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Issue 9

DEPARTMENT OF STATE
Division of Administrative Rules

NEW YORK STATE REGISTER

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 45 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:
– the 60-day period expires on May 2, 2021
– the 45-day period expires on April 17, 2021
– the 30-day period expires on April 2, 2021

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NEW YORK STATE
REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 45-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

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RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Education Department

EMERGENCY RULE MAKING

Addressing the COVID-19 Crisis

I.D. No. EDU-20-20-00008-E
Filing No. 141
Filing Date: 2021-02-16
Effective Date: 2021-02-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 52.21, 60.6, 61.9, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19, 151-1.3; addition of section 80-5.27 to Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 209, 210, 211-f, 214, 215, 305, 3001, 3004, 3009, 3204, 3205, 3602, 3602-3, 3602-ee, 6525, 6611; Every Student Succeeds Act of 2015, sections 1111(b)(3), (c)(4), (d)(2); 20 U.S.C., section 6301 et seq. (Public Law 114-95, 129 STAT. 1802)

Finding of necessity for emergency rule: Preservation of public health and general welfare.

Specific reasons underlying the finding of necessity: On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools and directing nonessential work personnel to work from home. In response, the Department adopted emergency regulations at the April, May, June, July, September, October, November and December 2020 Board of Regents meetings to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The Department first presented these proposed amendments to the Full Board for adoption as an emergency action at the May 2020 Regents meeting, effective May 5, 2020. At the June, July, September, October, and December 2020 Board of Regents meetings, the Department revised the proposed amendments to provide clarification and additional regulatory flexibility. The proposed amendments provide flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendments could be presented for regular (nonemergency) adoption, after publication in the State Register and expiration of the 45-day public comment period required in the State Administrative Procedure Act (SAPA) section 201(4-a), is the March 2021 Regents meeting. However, because the COVID-19 crisis is presently affecting the State of New York, emergency action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility for certain regulatory requirements in response to the COVID-19 crisis, and to ensure that the emergency action taken at the December meeting remains continuously in effect.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the March 2021 Regents meeting, which is the first scheduled meeting after the 45-day public comment period prescribed in SAPA for State agency rule making.

Subject: Addressing the COVID-19 Crisis.

Purpose: To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

Substance of emergency rule (Full text is posted at the following State website: http://www.counsel.nysed.gov/rulesandregs): On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools and directing nonessential work personnel to work from home. In response, the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To ad-

dress additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments as follows:

• Professions

o Section 60.6 is amended to permit the Department, at its discretion, to renew limited permits in medicine for one additional 24-month period.

o Section 61.19(b) is amended to permit the Department to accept alternative means to be used by dentists and dental hygienists to obtain and/or maintain the required certification in cardiopulmonary resuscitation other than through an in-person course during the COVID-19 crisis.

• Receivership

o Section 100.19 is amended to provide that: (1) the Commissioner shall not use 2019-20 school year results to newly identify any schools as struggling, place any schools under independent receivership, or remove the designation of any schools as struggling or persistently struggling; (2) all schools identified as persistently struggling or struggling schools for the 2019-20 school year shall remain so identified for the 2020-21 school year and all schools that operated under a school district superintendent receiver in the 2019-20 school year shall continue to operate under a school district superintendent receiver in the 2020-21 school year; and (3) the Commissioner may, upon a finding of good cause, modify for the 2019-20 through 2021-22 school years any timelines pertaining to notifications, plans, reports, or implementation of activities required by such section, except for any timelines prescribed by law.

• Higher Education

o Section 80-3.7 is amended to allow any undergraduate or graduate level course completed during the spring, summer, or fall 2020 terms with a passing grade, or its equivalent, to count toward the content core or pedagogical core semester hour requirements for certification through the Individual Evaluation pathway. The passing grade, or its equivalent, must be in accordance with the pass/fail grading policy, or its equivalent, at the institution of higher education (e.g., credit/no credit, pass/fail, satisfactory/unsatisfactory policy).

o Section 80-1.2(b) is amended to extend the expiration date of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and the extensions of the initial and Provisional certificates from August 31, 2020 to January 31, 2021 to provide candidates with the time needed to work in schools and complete the requirements for the Professional or Permanent certificate. Additionally, such section is amended to extend the expiration date of the Conditional Initial certificate from August 31, 2020 to August 31, 2021 to provide candidates with the time needed to complete the edTPA, which requires working with students. An additional year gives candidates the time to establish a relationship with students, teach lessons and assess student learning, and prepare the edTPA submission once classroom routines are more consistent after the COVID-19 crisis.

o Section 80-5.27 is added to create an Emergency COVID-19 certificate for candidates seeking certain certificates, extensions, and annotations because there is limited test center availability and schools have been closed pursuant to Executive Order(s) of the Governor due to the COVID-19 crisis. This certificate would be valid for one year and could be renewed one time for an additional year with letter(s) of recommendation from school, district, and/or BOCES administrators. Candidates must apply for the certificate, extension, or annotation on or before September 1, 2021. They must also apply for the Emergency COVID-19 certificate, in the same certificate title as the certificate, extension, or annotation applied for, on or before September 1, 2021.

o Section 52.21(c) is amended to exempt school district leader (SDL) and school business leader (SDBL) candidates from taking and passing the SDL and SDBL assessment, respectively, for program completion and for the institutional recommendation for the Professional certificate, if they completed all program requirements except the assessment requirement in the 2019-2020 or 2020-20201 academic year. The exemption enables these candidates to complete their program while there is limited test center availability due to the COVID-19 crisis and receive institutional recommendation for Professional certification, which would be needed to pursue the proposed Emergency COVID-19 certificate. The candidates would need to take and pass the SDL and SDBL assessment to earn Professional SDL and SDBL certification, respectively.

o Section 52.21(c) is also amended to exempt candidates admitted to Transitional D programs leading to school district leader certification from taking and passing the SDL assessment for the institutional recommendation for the Transitional D certificate, if they completed all requirements for admitted candidates except the assessment requirement on or before September 1, 2021. The exemption enables Transitional D candidates to receive institutional recommendation for Transitional D certification while there is limited test center availability due to the COVID-19 crisis, which would be needed to pursue the proposed Emergency COVID-19 certificate. The candidates would need to take and pass the SDL assessment to earn Transitional D certification.

• Early Learning

o Section 151-1.3(b) is amended to waive the requirement that school districts must annually monitor and track prekindergarten program effectiveness for the 2019-2020 school year and to waive the annual report of the percentage of prekindergarten children making significant gains for the 2019-2020 school year.

• Alternative High School Equivalency Program ("AHSEP")

o Section 100.7 is amended to provide an extension to the June 30 application deadline for alternative high school equivalency preparation programs to be operated during the 2020-2021 school year.

• Curriculum and Instruction

o Section 100.1 is amended to provide that a unit of credit may be earned where a student has not completed a unit of study due to the COVID-19 crisis but has otherwise achieved the standards assessed in the provided coursework;

o Sections 100.2 and 100.5 are amended to provide an exemption to the Regents examination, pathway assessment, alternative assessment, technical assessment, and locally developed test requirements during the COVID-19 crisis so that students are still able to meet their diploma requirements since the June 2020, August 2020, and January 2021 Regents examinations have been canceled;

o Section 100.4 is amended to make a technical citation correction;

o Section 100.6 is amended to exempt students from the requirements for the career development and occupational studies commencement credential ("CDOS") provided that the student is otherwise eligible to exit from high school and has otherwise demonstrated knowledge and skills relating to the CDOS learning standards; and

o Section 100.7 is amended to provide an exemption from the subtests of the general comprehensive examination requirements for a high school equivalency diploma where students meet certain criteria.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-20-20-00008-EP, Issue of May 20, 2020. The emergency rule will expire April 16, 2021.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 continues existence of Education Department, with Board of Regents as its head, and authorizes Regents to appoint Commissioner of Education as Department's Chief Administrative Officer, which is charged with general management and supervision of all public schools and educational work of State.

Education Law § 207 empowers Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law § 210 empowers the Regents to register domestic and foreign institutions in terms of New York standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented to entrance to schools, colleges and the professions in New York.

Education Law § 209 provides that the Regents shall establish, in secondary institutions, examinations in studies furnishing a suitable standard of graduation therefrom and of admission to colleges, and certificates or diplomas shall be conferred by the Regents to students who satisfactorily pass such examinations.

Education Law § 211-f provides for the procedures for the takeover and restructuring of failing schools.

Education Law § 214 provides that the institutions of the University of the State of New York shall include all secondary and higher educational institutions which are now or may hereafter be incorporated in this state, and such other libraries, museums, institutions, schools, organizations and agencies for education as may be admitted to or incorporated by the University.

Education Law § 215 provides the Regents, or the Commissioner, or their representatives, the power to visit, examine, and inspect any institution in the University of the State of New York and any school or institution under the educational supervision of the State.

Education Law § 305 establishes the general powers and duties of the Commissioner of Education.

Education Law § 3001 prescribes the qualifications of teachers.

Education Law § 3004 directs the Commissioner of Educaiton to prescribe regulations governing the examination and certification of teachers employed in all public schools of the State.

Education Law § 3009 provides that unqualified teachers shall not be paid from school moneys.

Education Law § 3204 provides that a minor required to attend upon instruction may attend at a public school or elsewhere.

Education Law § 3205 provides that each minor from six to sixteen years of age in each school district or on an Indian reservation shall attend upon full time instruction.

Education Law § 3602 provides for the apportionment of public moneys to school districts employing eight or more teachers.

Education Law § 3602-e authorizes and directs the Commissioner of Education to award grants for the establishment and implementation of a prekindergarten program to serve eligible children.

Education Law § 3602-ee establishes a Statewide universal full-day pre-kindergarten program.

Education Law § 6525 permits the Department to issue limited permits in medicine to eligible applicants.

Education Law § 6611(10) requires each dentist and registered dental hygienist working for a hospital who practices in collaboration with a licensed dentist to become certified in cardiopulmonary resuscitation from an approved provider and thereafter maintain current certification.

Every Student Succeeds Act § 1111(b)(2) requires States to implement a set of high-quality student academic assessments in mathematics, reading or language arts, and science.

Every Student Succeeds Act § 1111(c)(4) requires all States to have a statewide accountability system based on challenging State academic standards for reading or language arts and mathematics to improve student academic achievement and school success.

Every Student Succeeds Act § 1111(d)(2) requires schools which receive notification under such Act that a subgroup of students is consistently underperforming to develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system.

2. LEGISLATIVE OBJECTIVES:

The proposed amendments are consistent with the above statutory authority and are necessary to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The purpose of the proposed amendment is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

3. NEEDS AND BENEFITS:

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools, directing non-essential work personnel to work from home, and directing non-essential gatherings of individuals of any size for any reason to be canceled or postponed. In response the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

4. COSTS:

a. Costs to State government: The amendments do not impose any costs on State government.

b. Costs to local government: The amendments do not impose any costs on local government.

c. Costs to private regulated parties: The amendments do not impose any costs on private regulated parties.

d. Cost to the regulatory agency: There are no additional costs to the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

The proposed amendments are necessary to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed rule relates to providing flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendments do not impose any adverse economic impact, reporting, recordkeeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendments that they do not affect small businesses, no further measures were needed to ascertain that fact, and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The purpose of the proposed amendments is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendments apply to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools, directing non-essential work personnel to work from home, and directing non-essential gatherings of individuals of any size for any reason to be canceled or postponed. In response the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

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- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

3. PROFESSIONAL SERVICES:
The proposed amendment does not impose any additional professional services requirements on local governments.
4. COMPLIANCE COSTS:
The proposed amendment will not impose any additional program, service, duty, responsibility or costs beyond those imposed by statute.
5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:
The proposed rule does not impose any additional costs or technological requirements on local governments.
6. MINIMIZING ADVERSE IMPACT:
The proposed amendments are necessary to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. Accordingly, no alternatives were considered.
7. LOCAL GOVERNMENT PARTICIPATION:
Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

The purpose of the proposed amendments to the Regulations of the Commissioner of Education is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools, directing non-essential work personnel to work from home, and directing non-essential gatherings of individuals of any size for any reason to be canceled or postponed. In response the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

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- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

The proposed amendment provides flexibility for certain regulatory requirements during the COVID-19 crisis. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The purpose of the proposed amendments is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendment provides flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

Assessment of Public Comment

The agency received no public comment since publication of the last assessment of public comment.

Department of Financial Services

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Notice to Employees Concerning Termination of Group and Health Insurance Policies, Etc.

I.D. No. DFS-09-21-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend Parts 55 (Regulation 78), 62 (Regulation 96), 89 (Regulation 118), 136 (Regulation 85), 216 (Regulation 64), 218 (Regulation 90); repeal Subpart 65-3 (Regulation 68-C), Appendix 13; and add new Subpart 65-3 (Regulation 68-C), Appendix 13 to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 305, 307, 308, 314, 331, 1109, 1202, 2601, 2610, 3403, 3411, 3412, 3429, 3429-A, 3430, 3433, 4235; art. 24; Retirement and Social Security Law, section 424-a

Subject: Notice to Employees Concerning Termination of Group and Health Insurance Policies, etc.

Purpose: To make technical changes; comport with statutes; update office addresses; correct citations; etc.

Substance of proposed rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/proposed_insurance): 11 NYCRR Section 55.1(d) is amended by correcting a typographical error by revising the citation that reads "section 4225 of the Insurance Law" to read "Insurance Law section 4235."

11 NYCRR Section 62-4.1(c) is amended by applying Subpart 62-4 to cities with a population of one million or more to comport with an amendment to Insurance Law Section 3403(g)(2).

11 NYCRR Section 62-4.2(c) is amended by repealing the current Anti-Arson Application (NYFA-1) Part 1 and adding a new Anti-Arson Application (NYFA-1) Part 1 to change the reference to "Section 168-j of the New York Insurance Law" to read "Insurance Law Section 3403" and to change the reference to "Insurance Department Regulation 96" to read "Insurance Regulation 96". The amendment also replaces the outdated reference to the "Insurance Department" with "Department of Financial Services."

11 NYCRR 65-3 is amended by repealing Form NF 10 of Appendix 13 and adding a new Form NF 10 to Appendix 13 to remove "Financial Frauds and Consumer Protection Division" from the Department of Financial Services' ("Department's") address and to update the address of the Department's Buffalo office.

11 NYCRR Section 89.17(b)(1) is amended by removing a misplaced comma.

11 NYCRR Sections 136-2.2, 136-2.4, and 136-2.5 are amended to conform to Retirement and Social Security Law ("RSSL") Section 424-a.

- Section 136-2.2(e) is amended by replacing certain commas with

semicolons and to replace "selection of money managers" with "selection of investment managers."

• Section 136-2.2(f) is amended to revise the definition of "investment manager" to "have the meaning set forth in Retirement and Social Security Law section 424-a(2)(a)."

• Section 136-2.2(g) is amended to revise the definition of "placement agent or intermediary" to "have the meaning set forth in Retirement and Social Security Law section 424-a(2)(b)."

• Section 136-2.4(d) is amended to replace wording made obsolete by RSSL Section 424-a with the wording contained in RSSL Section 424-a(1).

• Section 136-2.5(g) is amended to delete paragraph (4) and renumber paragraphs (5) and (6) as paragraphs (4) and (5).

11 NYCRR Sections 216.6(h) and 216.7(d)(3) are amended by removing "Financial Frauds and Consumer Protection Division" from the Department's address and updating the address of the Department's Buffalo office.

11 NYCRR Section 218.5(a) is amended by removing "Financial Frauds and Consumer Protection Division" from the Department's address, correcting the name of the Department, updating the address of the Department's Buffalo office, and making one grammatical correction.

Text of proposed rule and any required statements and analyses may be obtained from: Sally Geisel, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7608, email: Sally.Geisel@dfs.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The rulemaking amends 11 NYCRR Section 55.1(d) by correcting a typographical error, revising the reference that reads "section 4225 of the Insurance Law" to read "Insurance Law section 4235."

The rulemaking amends 11 NYCRR Section 62-4.1(c) by applying subpart 62-4 to cities with a population of one million or more persons rather than to a population of over 400,000, to comport with an amendment to Insurance Law Section 3403(g)(2). The rulemaking also amends Section 62-4.2(c) by repealing the current Anti-Arson Application (NYFA-1) Part 1 and adding a new Anti-Arson Application (NYFA-1) Part 1 to update the statutory and regulatory authorities cited in the application and by replacing the outdated reference to the "Insurance Department" with the "Department of Financial Services."

The rulemaking amends 11 NYCRR 65-3 by repealing Form NF 10 of Appendix 13 and adding a new Form NF 10 to Appendix 13 to remove "Financial Frauds and Consumer Protection Division" from the Department of Financial Services' ("Department's") address and to update the address of the Department's Buffalo office.

The rulemaking amends 11 NYCRR Section 89.17(b)(1) by removing a misplaced comma.

The rulemaking amends 11 NYCRR 136 by revising the text to conform to Retirement and Social Security Law Section 424-a, enacted in 2018 as Chapter 203, and by making corrections to certain punctuation for purposes of clarity.

The rulemaking amends 11 NYCRR Sections 216.6(h) and 216.7(d)(3) by removing "Financial Frauds and Consumer Protection Division" from the Department's address and updating the address of the Department's Buffalo office.

The rulemaking amends 11 NYCRR Section 218.5(a) by removing "Financial Frauds and Consumer Protection Division" from the Department's address, correcting the name of the Department, updating the address of the Department's Buffalo office, and making one grammatical correction.

No person or entity is likely to object to this consolidated proposed rulemaking because its amendments are non-controversial in nature. The Department thus determines the rulemaking to be a "consensus rule", as defined in State Administrative Procedure Act ("SAPA") Section 102(11), and the rulemaking is proposed pursuant to SAPA Section 202(1)(b)(i). Accordingly, this rulemaking is exempt from the requirements to file a Regulatory Impact Statement, Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis.

Job Impact Statement

This amendment should not adversely impact job or employment opportunities in New York. This consolidated proposed rulemaking merely updates the Department of Financial Services' office addresses, amends regulations to comport with amended statutes, replaces an application to update the statutory and regulatory authorities cited therein, changes an outdated reference to the Insurance Department with the Department of Financial Services, and makes other minor technical changes.

The Department of Financial Services has no reason to believe that the amendments will result in any adverse impacts on jobs or employment opportunities.

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Restrictions on Clenbuterol Use in Thoroughbred Racing

I.D. No. SGC-09-21-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 4043.12(b) of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Restrictions on clenbuterol use in Thoroughbred racing.

Purpose: To improve integrity, health and safety of Thoroughbred horse racing.

Text of proposed rule: Subdivision (b) of section 4013.12 of 9 NYCRR would be amended to read as follows:

§ 4043.12. Prohibited substances and methods.

* * *

(b) Restricted therapeutic use. A limited number of medications and methods listed in the ARCI Prohibited List shall be exempted when the administration occurs in compliance with the [ARCI] required conditions for restricted therapeutic use *set forth in the table in this* subdivision [. ARCI required conditions for restricted therapeutic use means the "Required Conditions for Restricted Therapeutic Use" annexed to such Model Rule, as described in subdivision (a) of this section and hereby incorporated by reference], whose columns shall mean:

(1) Report [When Sampled] *when sampled* means the administration of the substance must be reported to the commission when the horse is next sampled, if the horse is sampled within 24 hours after the administration;

(2) Pre-File [Treatment Plan] *treatment plan* means that if the commission where the horse is located requires the filing of treatment plans, then a treatment plan for the substance must be filed by the time of administration in a manner approved by such commission;

(3) Written [Approval from Commission] *approval from commission* means the commission has granted written approval of a written treatment plan before the administration of the substance, including as may be required by the column's footnotes;

(4) Emergency [Use] *use* (report) means the substance had to be administered due to an acute emergency involving the life or health of the horse, provided the emergency use is reported to the commission as soon as practicable after the treatment occurs;

(5) Prescribed by [Veterinarian] *veterinarian* means the substance has been prescribed by an attending veterinarian in a manner consistent with the standards and procedures described in section 4043.16 of this Article and recorded in a manner consistent with the requirements of section 4012.4 of this Article;

(6) Report [Treatment] *treatment* means the treatment must be reported to the commission by the trainer at the time of administration to provide the commission with information for the veterinarian's list. The trainer may delegate this responsibility to the treating veterinarian, who shall make the report when so designated; and

(7) Other [Limitations] *limitations* means additional requirements that apply, such as a substance may be used in only fillies or mares or a horse that is administered a substance shall be reported immediately to the commission and placed on the veterinarian's list for a specific minimum period of time.

Required Conditions for Restricted Therapeutic Use

Prohibited substance	Report when sampled	Pre-file treatment plan	Written approval from commission	Emergency use (report)	Prescribed by veterinarian	Report treatment	Other limitations
adrenocorticotropic hormone (ACTH)		x			x		
albuterol					x		
altrenogest					x		fillies/mares only
autologous conditioned plasma (IRAP)	x			x			
blood replacements	x			x	x		
boldenone	x				x	x	6-month vet list
clenbuterol	x				x	x	Vet list
chorionic gonadotropin		x	x-1		x	x	60-day vet list
furosemide	x			x			
luteinizing hormone		x	x-1		x	x	60-day vet list
mesenchymal stem cells	x				x	x	
nandrolone		x			x	x	6-month vet list
nucleic polymer transfers		x	x		x	x	
platelet rich plasma (PRP)	x				x		
stanozolol		x			x	x	6-month vet list
S0 (not FDA-approved)			x-2		x		
testosterone		x			x	x	6-month vet list
thyroxine (T4)		x	x-3		x		
trichlormethiazide					x		
other diuretics	x			x	x		

Notes:

x-1: The approved treatment plan must show a specific treatment of a specific individual horse for an undescended testicle condition.

x-2: The approved treatment plan must show: (A) the substance has a generally accepted veterinary use; (B) the treatment provides a significant health benefit for the horse; (C) there is no reasonable therapeutic alternative; and (D) the use of the substance is highly unlikely to produce any additional enhancement of performance beyond what might be anticipated by a return to the horse's normal state of health, not exceeding the level of performance of the horse prior to the onset of the horse's medical condition.

x-3: The approved treatment plan must show: (A) the thyroxine is prescribed to a specific individual horse for a specific period of time; (B) the diagnosis and basis for prescribing such drug, the dosage, and the estimated last administration date; and (C) that any container of such drug on licensed premises shall be labeled with the foregoing information and contain no more thyroxine than for the treatment of the specific individual horse, as prescribed.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1) and (19). Pursuant to Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To improve integrity, health and safety of Thoroughbred horse racing.

3. Needs and benefits: This rule making proposes to restrict clenbuterol administrations to Thoroughbred horses in a manner that will prevent the misuse of the drug for performance enhancing effects.

The current rules provide that clenbuterol is a prohibited substance that may be administered to a Thoroughbred horse only as prescribed by an attending veterinarian, who must have a valid veterinarian-patient-client relationship with the horse and the horse's owner or trainer (as the owner's agent), and as recorded in the veterinary records. 9 NYCRR §§ 4043.12(a) and (b)(5), 4043.16, and 4012.4. By meeting these conditions, the use of clenbuterol qualifies as a valid restricted therapeutic use. In this manner, the current rules allow appropriate use of clenbuterol as a bronchodilator to treat horses with respiratory problems.

These conditions are set forth in the current rule by incorporation by reference of the "Required Conditions for Restricted Therapeutic Use," which are annexed to Model Rule ARCI-001-015 Version 7.0 of the Association of Racing Commissioners International, Inc. ("ARCI").

Excessive administrations of clenbuterol, however, are reported to have a repartitioning effect on a horse. A repartitioning effect occurs when the horse's body produces less fat and more muscle simply by means of the

effects of sustained clenbuterol treatment. This effect may create an artificial improvement in the physical condition and race performance of the horse and thereby undermine the integrity and fairness of racing. The excessive treatment also creates a potential health hazard for the horse.

The proposal would more closely regulate the use of clenbuterol by adding more conditions for valid restricted therapeutic use of the drug. The proposal would require the trainer to obtain from the Commission written approval of the course of treatment before any clenbuterol is administered to a horse. This requirement would allow the Commission to limit the duration and amount of clenbuterol administrations to preclude the repartitioning effect. Based on current medical information, and in the absence of extraordinary reasons, for example, a horse would not be permitted to receive clenbuterol for more than 30 days or for successive courses of treatment.

In addition, the proposal would require the trainer to report each clenbuterol administration at the time of treatment and the horse would be placed on the Veterinarian's List. The report of each administration may be made through the Commission's online reporting system for trainers or their designees. A horse on the Veterinarian's List is ineligible to enter or participate in any pari-mutuel horse race. A horse cannot be removed from the Veterinarian's List until the horse works out to the satisfaction of the stewards and laboratory testing of biologic samples collected from the horse demonstrate that the repartitioning effects of the drug dissipated.

The proposal would make the foregoing amendments to the current rules by putting, with the changes noted above, the required conditions for restricted therapeutic use into the Commission's own rules.

Finally, there are stylistic amendments to 9 NYCRR § 4043.12(b).

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: The costs of compliance with the new reporting requirement by regulated parties will be minimal. The regulated parties will make fewer administrations of clenbuterol except for established medical purposes. If a horse is not cured by a permissible course of administration of clenbuterol, there are alternative medications that are not more costly. California has applied similar restrictions to the use of clenbuterol for several years with only minimal effects on the cost of training and racing Thoroughbred horses.

(b) Costs to the agency, the State and local governments for the implementation and continuation of the rule: There will be not additional costs to the Commission, which already has a system of self-reporting the use of certain medications to Thoroughbred race horses, a staff member who is competent to review and approve proposed treatment plans, and a system of sample collection and testing to enforce its equine-drug rules.

There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel horse racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: The minimal cost effect of comparable rules in California and the experience of the Commission in operating a drug testing program are the bases for the conclusion that such costs will not be increased.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate horse racing activities.

6. Paperwork: There will be a need for submitting clenbuterol treatment plans for Commission approval and for reporting clenbuterol administrations. Trainers or their designated treating veterinarians will be required to make entries on the Commission's free online reporting system. The regulated parties are already required to make and retain a veterinary record of the planned course of treatment of Thoroughbred horses with drugs.

7. Duplication: No relevant rules or other legal requirements of the state or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission considered and rejected retaining only the current restrictions on clenbuterol use in Thoroughbred racing. A recent examination of hair samples collected from more than 75 horses showed that clenbuterol use is widespread in Thoroughbred horses that race in New York, and that these administrations are not being recorded in the veterinary records. This shows that the existing restrictions are not producing effective regulation of clenbuterol use. In addition, some regulated parties are failing deliberately to document clenbuterol use, which is indicative of misuse of the drug that requires more controls.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas or jobs.

The proposed amendment revises the regulation of clenbuterol when used to treat Thoroughbred racehorses, to prevent its misuse for non-medical reasons. The changes augment the current regulatory scheme that controls the use of clenbuterol by requiring that the veterinary treatment plan be submitted to the Commission for pre-approval, use of the drug be reported, and the horse be unable to race until its anabolic effect on race performance has been eliminated. The effect will be to reduce the overall use of this drug to stay competitive with other horsepersons.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Thresholds for Controlled Therapeutic Medications in Horse Racing

I.D. No. SGC-09-21-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 4043.3(a) and 4120.3(a) of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19), 301(1), (2) and 902(1)

Subject: Thresholds for controlled therapeutic medications in horse racing.

Purpose: To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

Text of proposed rule: Subdivision (a) of section 4043.3 of 9 NYCRR would be amended as follows:

§ 4043.3. Equine drug thresholds; per se.

(a) A horse shall have raced in violation of this section if any of the following substances is found, by the laboratory conducting tests for the commission, to be present in a race-day urine or blood sample taken from such horse at a concentration in excess of a threshold listed below. The test result of such laboratory shall include an assessment of the measurement uncertainty and imprecision of the quantitative threshold for the substance.

(1) Acepromazine: 10 ng/ml HEPS in urine;

(2) Albuterol: 1 ng/ml in urine;

(3) Betamethasone: 10 pg/ml in plasma;

(4) Butorphanol:

(i) 300 ng/ml of total butorphanol in urine; or

(ii) 2 ng/ml of free butorphanol in plasma;

(5) Cetirizine: 6 ng/ml in plasma;

(6) Cimetidine: 400 ng/ml in plasma;

[(5)] *(7)* Clenbuterol:

(i) 140 pg/ml in urine; or

(ii) any clenbuterol in plasma;

[(6)] *(8)* Cobalt: 50 ng/ml in plasma;

[(7)] *(9)* Dantrolene: 100 pg/ml of 5-hydroxydantrolene in plasma;

[(8)] *(10)* Detomidine:

(i) [1] *2* ng/ml of any metabolite of detomidine in urine; or

(ii) [any] *1 ng/ml of detomidine* in plasma;

[(9)] *(11)* Dexamethasone: 5 pg/ml in plasma;

[(10)] *(12)* Diclofenac: 5 ng/ml in plasma;

[(11)] *(13)* DMSO: 10 mcg/ml in plasma;

[(12)] *(14)* Firocoxib: 20 ng/ml in plasma;

[(13)] *(15)* Flunixin: 5 ng/ml in plasma;

[(14)] *(16)* Furosemide: 100 ng/ml in plasma and a specific gravity of urine less than 1.010;

[(15)] *(17)* Glycopyrrolate: 3 pg/ml in plasma;

(18) Guaifenesin: 12 ng/ml in plasma;

[(16)] *(19)* Isoflupredone: 100 pg/ml in plasma;

[(17)] *(20)* Ketoprofen: 2 ng/ml in plasma;

[(18)] *(21)* Lidocaine: 20 pg/ml of total 3-hydroxylidocaine in plasma;

[(19)] *(22)* Mepivacaine:

(i) 10 ng/ml of total hydroxymepivacaine in urine; or

(ii) any hydroxymepivacaine in plasma;

[(20)] *(23)* Methocarbamol: 1 ng/ml in plasma;

[(21)] *(24)* Methylprednisolone: 100 pg/ml in plasma;

[(22)] *(25)* Omeprazole: [1] *10* ng/ml of omeprazole sulfide in [urine] *plasma*;

[(23)] *(26)* Phenylbutazone: 0.3 mcg/ml in plasma;

[(24)] *(27)* Prednisolone: 1 ng/ml in plasma;
[(25)] *(28)* Procaine penicillin: 25 ng/ml of procaine in plasma;
(29) Ranitidine: 40 ng/ml in plasma;
[(26)] *(30)* Triamcinolone acetonide: 100 pg/ml in plasma; and
[(27)] *(31)* Xylazine: [10] *200* pg/ml [of total xylazine and its metabolites] in plasma.

Subdivision (a) of section 4120.3 of 9 NYCRR would be amended as follows:

§ 4120.3. Equine drug thresholds; per se.

(a) A horse shall have raced in violation of this section if any of the following substances is found, by the laboratory conducting tests for the commission, to be present in a race-day urine or blood sample taken from such horse at a concentration in excess of a threshold listed below. The test result of such laboratory shall include an assessment of the measurement uncertainty and imprecision of the quantitative threshold for the substance.

(1) Acepromazine: 10 ng/ml HEPS in urine;
(2) Albuterol: 1 ng/ml in urine;
(3) Butorphanol:
(i) 300 ng/ml of total butorphanol in urine; or
(ii) 2 ng/ml of free butorphanol in plasma;
(4) Cetirizine: 6 ng/ml in plasma;
(5) Cimetidine: 400 ng/ml in plasma;
[(4)] *(6)* Cobalt: 50 ng/ml in plasma;
[(5)] *(7)* Dantrolene: 100 pg/ml of 5-hydroxydantrolene in plasma;
[(6)] *(8)* Detomidine:
(i) [1] *2* ng/ml of any metabolite of detomidine in urine; or
(ii) [any] *1 ng/ml of* detomidine in plasma;
[(7)] *(9)* Diclofenac: 5 ng/ml in plasma;
[(8)] *(10)* DMSO: 10 mcg/ml in plasma;
[(9)] *(11)* Firocoxib: 20 ng/ml in plasma;
[(10)] *(12)* Flunixin: 20 ng/ml in plasma;
[(11)] *(13)* Furosemide: 100 ng/ml in plasma and a specific gravity of urine less than 1.010;
[(12)] *(14)* Glycopyrrolate: 3 pg/ml in plasma;
(15) Guaifenesin: 12 ng/ml in plasma;
[(13)] *(16)* Ketoprofen: 2 ng/ml in plasma;
[(14)] *(17)* Lidocaine: 20 pg/ml of total 3-hydroxylidocaine in plasma;
[(15)] *(18)* Mepivacaine:
(i) 10 ng/ml of total hydroxymepivacaine in urine; or
(ii) any hydroxymepivacaine in plasma;
(16)] *(19)* Methocarbamol: 1 ng/ml in plasma;
[(17)] *(20)* Methylprednisolone: 100 pg/ml in plasma;
[(18)] *(21)* Omeprazole: [1] *10* ng/ml of omeprazole sulfide in [urine] *plasma*;
[(19)] *(22)* Phenylbutazone: 2 mcg/ml in plasma;
[(20)] *(23)* Procaine penicillin: 25 ng/ml of procaine in plasma; [and]
(24) Ranitdine: 40 ng/ml in plasma; and
[(21)] *(25)* Xylazine: [10] *200* pg/ml [of total xylazine and its metabolites] in plasma.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2), 104(1) and (19), 301(1) and (2) and 902(1). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities. Under Section 301, which applies to only harness racing, the Commission is authorized to supervise generally all harness race meetings and to adopt rules to prevent the circumvention or evasion of its regulatory purposes and provisions and is directed to adopt rules to prevent horses from racing under the influence of substances affecting their speed. Section 902(1) authorizes the Commission to promulgate rules and regulations for an equine drug testing program that assures the public's confidence and continues the high degree of integrity in pari-mutuel racing and to impose administrative penalties for racing a drugged horse.

2. Legislative objectives: To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

3. Needs and benefits: This rule making is necessary to align the Commission's laboratory "per se" thresholds for controlled therapeutic medications with the latest ones approved by the Association of Racing Commissioners International, Inc. ("ARCI") and to ensure that the restricted time periods for equine drug use are consistent with such thresholds.

The proposal would amend sections 4043.3 (Thoroughbred) and 4120.3 (harness) of 9 NYCRR to add four more thresholds and to modify three existing thresholds. ARCI recommends adding new thresholds for three antihistamines (cetirizine, cimetidine and ranitidine) and a muscle relaxant used in anesthetic protocols (guaifenesin), which are common equine therapeutic medications. The recommended thresholds are consistent with the Commission's existing time restrictions for antihistamines (72 hours) and guaifenesin (96 hours) that ensure a horseperson will not inadvertently commit threshold violations.

ARCI based on further research also recommends modifying the existing thresholds for three drugs: detomidine and xylazine (sedatives with analgesic qualities) and omeprazole (anti-ulcer medicine). The proposal would amend 9 NYCRR §§ 4043.3(a)(8), 4043.3(a)(22), 4043.3(a)(27) (Thoroughbred rules) and 4120.3(a)(6), 4120.3(a)(18) and 4120.3(a)(21) (harness rules). The modified thresholds would be consistent with the Commission's existing time restrictions.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules.

(b) Costs to the agency, the State and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission is committed to adopting the national controlled therapeutic medication thresholds as "per se" thresholds in New York, but examined whether such thresholds would be consistent with the Commission's restricted time periods for the use of equine drug before a horse's next race.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rule making proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

The proposal revises the Commission's horse racing rules regulating the use of certain equine medications with per se thresholds to conform to the most recent national recommendations. Trainers have been meeting these thresholds for many years in New York by complying with the Commission's longstanding rules restricting how long a horse may not race after being treated with various equine drugs. All horsepersons will be able to comply with the new and revised thresholds and competitors will not be able to violate the thresholds to the detriment of others. The thresholds are common with those in other states, making it easier to prepare a horse to race in multiple states.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved. This proposal will not adversely impact small businesses, local governments, jobs, or rural areas. It does not require a Regulatory Flexibility Analysis (for Small Businesses and Local Governments), Rural Area Flexibility Analysis, or Job Impact Statement.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Casino Table Game Rules

I.D. No. SGC-09-21-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 5300.1, 5322.2, 5324.10, 5324.11, 5324.12, 5324.20, 5324.21; addition of section 5321.18 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), (2)(g), 335(4), (5), (6) and (11)

Subject: Casino table game rules.

Purpose: To set forth the practices and procedures for the conduct and operation of table games.

Substance of proposed rule (Full text is posted at the following State website: https://www.gaming.ny.gov/proposedrules.php): Casinos offer progressive jackpots at table games. Currently, a progressive jackpot is limited to within a single table game. The proposed Rule 5321.18 would allow for Local Area Progressive ("LAP") controllers to be implemented to coordinate the payment of a shared progressive jackpot between two or more table games at the same commercial casino, which many other jurisdictions (e.g., Connecticut, New Jersey, Pennsylvania, Maryland, Nevada, Florida, Ohio) permit. The LAP would encompass technology to allow new games to be added to the linked progressive table game wager.

Proposed changes to Rule 5322.2 would add additional chip denominations of $2, $25,000 and $100,000. A $2 chip would facilitate smoother game play at tables that require bet increments of $2 and $4. The addition of $25,000 and $100,000 chips would facilitate high-level play.

Proposed changes to Rules 5324.10 and 5324.11 would clarify dealer options and patron wagering in a discrete wager offered in the game of blackjack.

The proposed change to Rule 5324.12 would provide that optional blackjack wagers do not apply to the "Spanish 21" table game.

Proposed changes to Rule 5324.20 would add pay tables for the baccarat game dragon bonus wager.

The proposed change to Rule 5324.21(5) would, for midi baccarat, require a table to have a form of a discard rack.

The proposed change to Rule 5324.21(b)(1)(iv) would clarify the rules for optional bonus wagers and optional dragon bonus wagers in mini and midi baccarat games.

Finally, proposed changes to Rules 5300.1 and 5322.2 would move definitions for "non-value chip" and "value chip" to the general definitions section for this Part, for clarity and uniformity, and a reference would be corrected in the proposed new Rule 5322.2(c)(2).

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, NY 12301, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1307(2)(g) authorizes the Commission to regulate the devices permitted for use at a table game.

Racing Law section 1335(4) authorizes the Commission to regulate the physical characteristics of chips used within a gaming facility.

Racing Law section 1335(5) authorizes the Commission to regulate the wagers and pay-offs of winning wagers as may be necessary to assure the vitality of casino operations and fair odds to patrons.

Racing Law section 1335(6) authorizes the Commission to regulate the posting of gaming rules, pay-offs of winning wagers and the odds of winning for each wager.

Racing Law section 1335(11) authorizes the Commission to regulate a dealer's ability to deal cards by hands or by use of a machine.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state," as set forth in Racing Law section 1300(10).

3. NEEDS AND BENEFITS: The proposed rules implement the above-listed statutory directives in regard to table game equipment. The rules represent best practices in defining the physical characteristics, inspection and use of table game equipment. Best practices addressed in the proposed rules include detailing the physical characteristics of gaming chips and the use of discard racks. The proposed rules also establish additional procedures and pay tables for playing specific table games and the terms of use for local area progressive ("LAP") controllers for progressive table games.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: These rules provide options for gaming facilities to implement. If a gaming facility licensee does not wish to implement any particular option, there will be no additional required costs. Two of the four gaming facility licensees indicated that their anticipated costs of implementing and complying with the proposed regulations, should they choose to implement such options, will be as follows, per facility: (1) approximately $10,000 per year to administer the dragon bonus wager; (2) approximately $46,000 per year for the LAP controllers applied to four games, which is the anticipated standard quantity; (3) approximately $5,000 per year to implement the additional side wagers and pay tables; and (4) a one-time cost of $5,000 for new chip denominations.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The costs to the Commission for the implementation of and continued administration of the rule will be negligible given that all such costs are the responsibility of the gaming facility. These rules will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating gaming activities within the State.

5. LOCAL GOVERNMENT MANDATES: There are no local government mandates associated with these rules.

6. PAPERWORK: These rules impose paperwork burdens on gaming facility licensees. Examples of paperwork burdens on the gaming facility licensees include the submission of the following to the Commission: testing results for LAP controllers, as requested.

7. DUPLICATION: These rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulations. These included the appropriate additional monetary designations for chips; the rules for table games identified and the appropriate pay tables; and the logistical use of discard racks on certain tables. The Commission is also required to promulgate these rules pursuant to Racing Law sections, 1307(2)(g), 1335(4) through (6) and 1335(11).

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The amendments to these rules will not have any adverse impact on small businesses, local governments, jobs or rural areas. These rules are intended to promote public confidence and trust in the credibility and integrity of casino gambling in New York State. The rules will ensure that licensed gaming facilities possess and maintain table game equipment and rules that are authorized and trustworthy.

The amendments to these rules do not impact local governments or small businesses as it is not expected that any local government or small business will hold a gaming facility license.

These rules impose no adverse impact on rural areas. These rules apply uniformly throughout the state and solely apply to licensed gaming facilities.

These rules will have no adverse impact on job opportunities.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Lasix Administrations on Race Day

I.D. No. SGC-09-21-00014-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 4043.2(b) and 4120.2(b) of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19), 301(1) and (2)

Subject: Lasix administrations on race day.

Purpose: To enhance the safety and integrity of pari-mutuel racing.

Text of proposed rule: Section 4043.2 of 9 NYCRR would be amended as follows:

§ 4043.2. Restricted use of drugs, medications and other substances.

* * *

(b) Eligibility for the administration of furosemide.

* * *

(6) Administration of furosemide. For the purposes of this subdivision, furosemide shall be administered only in the following manner:

(i) A single intravenous (IV) injection of no less than 150 milligrams (3cc) and no more than 500 milligrams (10cc) *may be administered* on the grounds of a licensed or franchised racing association or corporation during the time period from four to four and one-half hours before the scheduled post time of the race in which the horse is to compete.

(ii) The administration shall be made by a veterinarian who is approved by the commission and who does not perform other equine veterinary work for an owner or trainer who participates at such race meeting, except for urgent veterinary care in the capacity of a track veterinarian made available by the racetrack operator.

Section 4120.2 of 9 NYCRR would be amended as follows:

§ 4120.2. Restricted use of drugs, medications and other substances.

* * *

(b) Eligibility for the administration of furosemide.

* * *

(6) Administration of furosemide. For the purposes of this section, furosemide shall be administered only in the following manner:

(i) A single intravenous (IV) injection of no less than 150 milligrams (3cc) and no more than 500 milligrams (10cc) *may be administered* on the grounds of a licensed or franchised racing association or corporation during the time period from four to four and one half hours before the scheduled post time of the race in which the horse is to compete.

(ii) The administration shall be made by a veterinarian who is approved by the commission and who does not perform other equine veterinary work for an owner or trainer who participates at such race meeting, except for urgent veterinary care in the capacity of a track veterinarian made available by the racetrack operator.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") §§ 103(2), 104(1) and (19), and 301(1) and (2). Pursuant to § 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of § 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of § 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities. Pursuant to § 301, which applies to only harness racing, the Commission is authorized to supervise generally all harness race meetings and to adopt rules to prevent the circumvention or evasion of its regulatory purposes and provisions, and is directed to adopt rules to prevent horses from racing under the influence of substances affecting their speed.

2. Legislative objectives: To enhance the safety and integrity of pari-mutuel racing.

3. Needs and benefits: This rule making is needed to enhance the safety and integrity of racing by permitting only independent veterinarians to administer race day furosemide to race horses.

Sections 4043.2(b) and 4120.2(b) of 9 NYCRR permit the administration of race day furosemide to Thoroughbred and harness horses, respectively, in a specific manner. These current rules do not restrict the identity of the veterinarian.

The proposal would amend each such rule to require that the furosemide administration, which is permitted by intravenous injection only, be performed by an independent, third-party veterinarian who is not caring for any horses of the trainers or owners who participate at the race meeting.

The administration of race-day furosemide is the only opportunity for a lawful injection into a racehorse within 24 hours of racing. When this administration is restricted to independent veterinarians, the opportunity for a surreptitious addition of another substance that could potentially affect the performance of the horse in the race, is mitigated. An independent veterinarian cannot be subjected to the same economic pressure that an unscrupulous owner or trainer could exert upon a veterinarian whose livelihood depends on them. In addition, there would be less opportunity for an unscrupulous person to tamper with the injectable.

The proposal would still permit race-day furosemide administrations done by a veterinarian who is made available by the racetrack operator only to provide urgent veterinary care (i.e., the track veterinarian). Track veterinarians do not have a conflict of interest from an ongoing veterinarian-trainer relationship as their function is to provide only immediate veterinary care for an owner or trainer on an ad hoc basis.

The requirement of independent administration of race-day furosemide is recommended by the Racing Medication and Testing Consortium and is consistent with model rules of the Association of Racing Commissioners International, Inc. This practice is also already in place in New York on a track-by-track basis. This proposal will formalize such practice.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules. There is no cost to the regulated parties by using independent veterinarians.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: There are no similarly practical alternatives.

9. Federal standards: There are no minimum standards of the federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

This proposal does not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, Rural Area Flexibility Analysis or Job Impact Statement since the amendment requires only that veterinarians who perform the required race day administrations of furosemide ("Lasix") to qualified race horses may not have a conflict of interest arising from treating race horses at the race meeting. The proposal does permit the veterinarian who provides only immediate care on race day (the track veterinarian) to provide race-day Lasix administrations. This rule does not affect small business, local governments, jobs or rural areas. Further, this proposal will not impose an adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses in rural or urban areas nor on employment opportunities. Due to the straightforward nature of the rulemaking, there is no need for the development of a small business regulation guide to assist in compliance. These provisions are clear as to what is required and what is necessary to comply with the rule.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Regulation of Bingo

I.D. No. SGC-09-21-00015-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 4800.1, Parts 4820, 4821, 4823; repeal of section 4820.25 of Title 9 NYCRR.

Statutory authority: Executive Law, section 435(1)(a), (3); General Municipal Law, section 495-a(2)(b)(ii); Racing, Pari-Mutuel Wagering and Breeding Law, section 104(19)

Subject: Regulation of bingo.

Purpose: To conform bingo rules to current statutes, including allowing payment for bingo opportunity by check.

Substance of proposed rule (Full text is posted at the following State website: https://www.gaming.ny.gov/proposedrules.php): Amendments to section 4800.1 eliminate specific prize limits and instead cross-reference statutory requirements, eliminate verbatim repetition of statute and make stylistic and technical changes consistent with other Commission rules.

An amendment to section 4820.1 makes a stylistic and technical change consistent with other Commission rules.

An amendment to section 4820.2 clarifies that minors may assist in ancillary non-gaming activities and cross-references controlling statute.

An amendment to section 4820.3 clarifies that minors may assist in ancillary non-gaming activities and cross-references controlling statute.

Amendments to section 4820.14 eliminate specific prize limits and instead cross-references statutory requirements, limit sale of bingo opportunities to the same day of the occasion, prohibit presale and make stylistic and technical changes consistent with other Commission rules.

Amendments to section 4820.18 eliminate specific prize limits and instead cross-reference statutory requirements and make stylistic and technical changes consistent with other Commission rules.

Amendments to section 4820.20 eliminate specific prize limits and instead cross-reference statutory requirements and make stylistic and technical changes consistent with other Commission rules.

Section 4820.25 is repealed, to eliminate repetition of statutory requirements.

Amendments to section 4820.26 eliminate specific prize limits and instead cross-reference statutory requirements.

Amendments to section 4820.44 eliminate a prohibition on payment for bingo opportunity by check, consistent with statutory requirements.

Amendments to section 4820.47 provide that games of chance advertising may not including misleading information or representations, consistent with bingo advertising rule, eliminate repetition of statutory requirements, add a cross-reference to controlling statute and make stylistic and technical changes consistent with other Commission rules.

Amendments to section 4820.49 eliminate specific prize limits and instead cross-reference statutory requirements and make stylistic and technical changes consistent with other Commission rules.

Amendments to section 4820.50 eliminate verbatim repetition of statute and make stylistic and technical changes consistent with other Commission rules.

Amendments to section 4820.52 eliminate specific prize limits and instead cross-reference statutory requirements, eliminate verbatim repetition of statute and make stylistic and technical changes consistent with other Commission rules.

Amendments to section 4820.56 eliminate verbatim repetition of statute and make stylistic and technical changes consistent with other Commission rules.

Amendments to section 4820.57 clarify that a bonus ball in bingo must remain posted throughout all bingo games during such bingo occasion, eliminate verbatim repetition of statute and make stylistic and technical changes consistent with other Commission rules.

An amendment to section 4821.9 allows for electronic transfers of funds for payments to governmental entities, operating expenses and game suppliers.

Amendments to section 4821.17 clarify reporting requirements when an authorized organization ceases conducting games of chance or bingo and make stylistic and technical changes consistent with other Commission rules.

Amendments to section 4821.18 eliminate certain requirements in regard to donations by service and fraternal organizations and make stylistic and technical changes consistent with other Commission rules.

An amendment to section 4823.7 increases maximum number of electronic bingo aids from 15 to 25 percent of total bingo seating capacity.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, NY 12301, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. STATUTORY AUTHORITY: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Executive Law section 435(1)(a) and (3), General Municipal Law section 495-a(2)(b)(ii) and Racing, Pari-Mutuel Wagering and Breeding Law 104(19).

2. LEGISLATIVE OBJECTIVES: To enact various charitable gaming reforms relating to bingo games to enhance revenue opportunities for charitable and civic organizations.

3. NEEDS AND BENEFITS: This rule making proposes to enhance the regulation of bingo by harmonizing regulations with current statutory language.

Sections 4820.2 and 4820.3 clarify that minors may assist in ancillary non-gaming activities, harmonizing regulations with current statutory language.

Section 4820.14 limits sale of bingo opportunities to the same day of the occasion and prohibits presale. These amendments are beneficial because they reduce opportunities for fraudulent bingo sheets to be sold to charitable game players.

Section 4820.44 eliminates a prohibition on payment for bingo opportunity by check, which will allow charitable organizations to accept broader forms of payment and maximize revenue.

Section 4820.57 clarifies that a bonus ball in bingo must remain posted throughout all bingo games during such bingo occasion. This amendment enhances game transparency for players.

Section 4823.7 increases the maximum number of electronic bingo aids from 15 to 25 percent of total bingo seating capacity, addressing a strong player preference for usage of electronic bingo aids when available.

Sections 4800.1, 4820.25, 4820.50, 4820.52, 4820.56 and 4820.57 eliminate verbatim repetition of statute. Such elimination is beneficial because statute always controls and there is no need to repeat statutory requirements in regulations, which might be modified by the agency and thereby risk diverging from statutory requirements.

Throughout the document, amendments make stylistic and technical changes consistent with other Commission rules.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: No additional costs for regulated parties are anticipated for the other rule amendments.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: None anticipated.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: Experience of agency staff.

5. LOCAL GOVERNMENT: No impact is anticipated for local government.

6. PAPERWORK: These rules are not expected to impose any new paperwork requirements for charitable organizations.

7. DUPLICATION: These rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: No alternatives were considered.

9. FEDERAL STANDARDS: There are no federal standards applicable to bingo. It is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The proposed rule amendments will not have any adverse impact on small businesses, local governments, jobs or rural areas. These rule amendments relate to the regulation of bingo games.

The proposed rulemaking does not impact local governments and will not have an adverse impact on small businesses.

The proposed rulemaking imposes no adverse impact on rural areas. The rule applies uniformly throughout the state.

The proposed rulemaking will have no adverse impact on job opportunities.

The proposed rulemaking will not adversely impact small businesses, local governments, jobs or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required and have not been prepared.

Department of Health

EMERGENCY RULE MAKING

Hospital Non-Comparable Ambulance Acute Rate Add-On

I.D. No. HLT-31-20-00012-E
Filing No. 142
Filing Date: 2021-02-16
Effective Date: 2021-02-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 86-1.15 of Title 10 NYCRR.

Statutory authority: L. 2020, ch. 56

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: The proposed amendment restricts Article 28 hospitals eligible to receive a non-comparable ambulance add-on in their acute inpatient rate to providers that are not receiving a supplemental payment for these costs in accordance with chapter 56 of the Laws of 2020 effective on October 1, 2020.

Section three of part LL of chapter 56 of the Laws of 2020 provides the Commissioner of Health with authority to issue emergency regulations. This regulation amendment is required in order to eliminate any potential duplicate payment for these ambulance services.

Subject: Hospital Non-comparable Ambulance Acute Rate Add-on.

Purpose: Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program.

Text of emergency rule: Pursuant to the authority vested in the Commissioner of Health by section three of Part LL of Chapter 56 of the Laws of 2020, paragraph (1) of subdivision (l) of Section 86-1.15 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to be effective upon filing with the Secretary of State, to read as follows:

(1) Medicaid costs associated with ambulance services operated by a facility and reported as inpatient costs in the institutional cost report. *Effective October 1, 2020, these costs shall exclude ground emergency transportation services costs that are being reimbursed pursuant to Chapter 56 of the Laws of 2020*; and

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-31-20-00012-P, Issue of August 5, 2020. The emergency rule will expire April 16, 2021.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

Regulatory Impact Statement

Statutory Authority:

The statutory authority for this regulation is contained in Chapter 56 of the Laws of 2020 and authorizes the Commissioner to promulgate regulations, including emergency regulations, regarding a supplemental Medicaid reimbursement payment for ground emergency medical transportation services. This supplemental payment is in lieu of an ambulance non-comparable add-on in the hospital acute inpatient reimbursement rate. Rate regulations are set forth in Subpart 86-1 of Title 10 (Health) of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR).

Legislative Objectives:

The legislative objective is to provide the ability to participate in the supplemental payment for ground emergency medical transportation services but eliminate any potential duplicate Medicaid reimbursement.

Needs and Benefits:

Based on the requirements of Chapter 56 of the Laws of 2020, eligible ground emergency transportation providers will be provided the ability to participate in a supplemental payment in lieu of receiving reimbursement through a hospital. Article 28 hospitals currently receive reimbursement through their acute hospital inpatient rate for ambulance services provided by the ground emergency medical transportation providers. For ground emergency transportation providers that meet the requirements of this chapter and receive the supplemental payment, the hospitals through which they were reimbursed will not be eligible to also receive the ambulance add-on in the acute hospital inpatient rate.

Costs:

Costs to Private Regulated Parties:

There will be no additional costs to private regulated parties.

Costs to State Government:

There is no cost to State Government for this proposed regulation.

Costs of Local Government:

There is no cost to Local Government for this proposed regulation.

Costs to the Department of Health:

There will be no additional costs to the Department of Health as a result of this proposed regulation.

Local Government Mandates:

The proposed regulation does not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

No additional paperwork is required of providers.

Duplication:

This regulation does not duplicate any existing federal, state or local government regulation.

Alternatives:

There is no alternative as an alternative would provide a duplicate payment to hospitals.

Federal Standards:

The proposed regulation does not exceed any minimum standards of the federal government for the same or similar subject areas.

Compliance Schedule:

The Department of Health will be implementing the ground emergency transportation services supplemental program effective on or after October 1, 2020 which requires the potential duplicate payment be removed as of the same date.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202(b)(3)(a) of the State Administrative Procedure Act. The proposed regulations do not impose an adverse economic impact on small businesses or local governments, and they do not impose reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed regulations do not impose an adverse impact on facilities in rural areas, and they do not impose reporting, record keeping or other compliance requirements on facilities in rural areas.

Job Impact Statement

A job impact statement is not required pursuant to Section 201-a(2)(a) of the State Administrative Procedure Act. The proposed rule will not have a substantial adverse impact on jobs or employment opportunities, nor does it have adverse implications for job opportunities.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Surrogacy Programs and Assisted Reproduction Service Providers

I.D. No. HLT-09-21-00009-EP
Filing No. 143
Filing Date: 2021-02-16
Effective Date: 2021-02-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Addition of Subpart 69-11 to Title 10 NYCRR.

Statutory authority: General Business Law, section 1404; Public Health Law, sections 2599-cc and 4365(4)

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: There have been documented cases in which the owners of business that broker surrogacy agreements have misappropriated and absconded with client funds and

otherwise inadequately or negligently administered their programs to the detriment of their clients, including the donors and surrogates. When Laws of 2020, Chapter 56, Part L, goes into effect on February 15, people in New York may begin to enter into surrogacy agreements even if the Department does not promulgate these regulations. There is a danger that the parties involved will not follow guidelines and best practices relating to screening of surrogates and intended parents. There is also a danger that guidelines and best practices relating to screening of ova donors will not be followed.

If these regulations are not in place when gestational surrogacy becomes legal in New York, there is a danger that medical procedures will take place without the necessary investigation and evaluation to promote a safe outcome for both the surrogate and the child who is born. The surrogate must be given proper medical examination to assess the surrogate's physical and mental health in order to make sure the surrogate is suitable. A psychological assessment increases the likelihood that the surrogate has the ability keep both the surrogate and the developing child healthy through the pregnancy, labor and delivery. The surrogate's physical and mental health during gestation could affect the child's health and wellbeing. The age and reproductive history of the surrogate should be evaluated prior to undertaking gestational surrogacy.

Surrogacy arrangements must not take advantage of people who may want to become surrogates, and in the absence of these regulations, there is a danger that gestational surrogates may not have all of the supportive services needed during and after the birth. Gestational surrogates must have certainty that they will be fairly compensated and that the intended parents will accept custody of the children regardless of the number, gender, or mental or physical condition. There is also a need to protect intended parents from entering into binding contracts that could compromise the child's health or not result in the person acting as surrogate voluntarily surrendering custody to the intended parents upon the birth of the child. These regulations will ensure that surrogacy arrangements comply with legal and ethical rules for gestational surrogacy.

In the absence of these regulations, the health and safety of gestational surrogates and babies born under surrogacy agreements would be in serious jeopardy, and the State of New York would have little leverage to take action against those responsible for the execution of unethical surrogacy arrangements that result in bad health outcomes.

Subject: Surrogacy Programs and Assisted Reproduction Service Providers.

Purpose: To license and regulate surrogacy programs.

Substance of emergency/proposed rule (Full text is posted at the following State website: https://regs.health.ny.gov/regulations/proposed-rule-making): This regulation implements the provisions of Part L of Chapter 56 of the Laws of 2020 that are within the purview of the New York State Department of Health. Part L of Chapter 56 of the Laws of 2020, among other things, added Article 5 C to the Family Court Act (judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements), amended Public Health Law Article 42 (vital statistics), added a new Article 44 to the General Business Law (regulation of surrogacy programs and assisted reproduction service providers), added a new Article 25-B to the Public Health Law (gestational surrogacy), and amended Public Health Law Article 43 (anatomical gifts).

These new provisions of law are intended to establish a parent-child relationship where the child or children is/are conceived through assisted reproduction ("Child"), and a gestational surrogate, an adult who is not an intended parent, enters into a surrogacy agreement to bear the Child resulting from an embryo formed using gametes other than the surrogate's. The Legislature directed the Department to regulate surrogacy programs and assisted reproduction service providers, the practice of gestational surrogacy, and the donation of ova to ensure the health and safety of the surrogate, the egg donor and the Child born under gestational surrogacy agreements, to ensure that the surrogacy agreement is ethical, and to ensure that surrogacy agreements are fair to the parties that enter into them.

This regulation provides a process for the licensing of surrogacy programs, the registration of gestational surrogacy assisted reproduction service providers, and the creation of a surrogacy registry and an ova registry. This regulation also implements the requirements for the Department of Health to establish gestational surrogacy guidelines and ova donation guidelines.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire May 16, 2021.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

Statutory Authority:

Section 1404 of the General Business Law directs the Department of Health (Department) to promulgate regulations to implement the requirements of General Business Law Article 44 by regulating surrogacy programs and assisted reproduction service providers.

Section 2599-cc of the Public Health Law directs the Department to promulgate regulations on the practice of gestational surrogacy.

Section 4365(4) of the Public Health Law directs the Department to promulgate regulations on the donation of ova.

Legislative Objectives:

Part L of Chapter 56 of the Laws of 2020, among other things, added Article 5 C to the Family Court Act (judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements), amended Public Health Law Article 42 (vital statistics), added a new Article 44 to the General Business Law (regulation of surrogacy programs and assisted reproduction service providers), added a new Article 25-B to the Public Health Law (gestational surrogacy), and amended Public Health Law Article 43 (anatomical gifts).

These new provisions of law are intended to establish a child's relationship to his or her parents where the child is conceived through assisted reproduction, and a gestational surrogate, an adult who is not an intended parent, enters into a surrogacy agreement to bear the child resulting from an embryo formed using eggs other than their own. The Legislature directed the Department to regulate surrogacy programs and assisted reproduction service providers, the practice of gestational surrogacy, and the donation of ova to ensure the health and safety of the surrogate, the egg donor and the children born under gestational surrogacy agreements, to ensure that the surrogacy agreement is ethical, and to ensure that surrogacy agreements are fair to the parties that enter into them.

Needs and Benefits:

Licensing and regulation of surrogacy programs and assisted reproduction service providers will protect the donors, surrogates, and the children who are born under gestational surrogacy agreements. There have been documented cases in which the owners of businesses that broker surrogacy agreements have misappropriated and absconded with client funds and otherwise inadequately or negligently administered their programs to the detriment of their clients, including the donors and surrogates. These licensure requirements for surrogacy programs in New York State will reduce incompetence and fraud in the operation of businesses that arrange gestational surrogacy agreements.

Gestational surrogacy provides an opportunity for New Yorkers to become parents despite circumstances in which pregnancy is either biologically not possible or medically contraindicated. Although gestational surrogacy increases opportunities for family building, it also involves medical, psychosocial, fiscal and ethical considerations, as well as legal complexities. These regulations provide a framework to address these important considerations and establish protections for gestational surrogates and intended parents.

Costs:

Costs to Regulated Parties:

Surrogacy programs will have to pay a $1,000 fee to become licensed and a $200 annual renewal fee, and they will incur the costs of becoming licensed. Assisted reproduction service providers are already regulated as health care providers, and this regulation will not increase their costs significantly.

It is entirely voluntary to enter into a surrogacy agreement, and this regulation will not significantly affect the cost of doing so. Rather, this regulation will help ensure that surrogacy agreements are commercially reasonable for payer and payee.

Costs to Local Governments:

Local governments will incur no costs under this regulation, as it will have no effect on the administration of local government.

Costs to the Department of Health:

The New York State Department of Health will devote the cost of approximately one grade 23 full time equivalent to the administration of this new program, which may be partially offset by the collection of surrogacy program licensing fees. The cost to the Department is the result of Laws of 2020, Chapter 56, Part L, not the implementation of the law with this regulation, which the Department is required to promulgate under Laws of 2020, Chapter 56, Part L.

Paperwork:

Individuals and entities wishing to become licensed as surrogacy programs under this regulation will be required to complete an application and provide information to the Department regarding their business. Surrogacy programs will be required to submit information to the Department in order for the Department to maintain the surrogacy registry, and assisted reproduction service providers will be required to register with the

Department, submit information about the types and numbers of procedures performed in connection with gestational surrogacy agreements and submit information to the Department in order for the Department to maintain the ova donation registry. Such paperwork is the result of the Laws of 2020, Chapter 56, Part L, rather than these regulations.

Local Government Mandates:

This regulation imposes no mandates on local governments.

Duplication:

These regulatory amendments do not duplicate any New York State or federal rules.

Alternatives:

The alternative would be to not promulgate this regulation. However, this alternative would be contrary to Laws of 2020, Chapter 56, Part L, which requires the Department to promulgate this regulation. The regulation was written to impose the least burden on regulated parties and to reduce costs to the taxpayers, while protecting the health and safety of donors, surrogates, and the parties to surrogacy agreements, as well as the children who are born under surrogacy agreements.

Federal Standards:

There are no federal statutes or regulations that apply to the subject matter of this regulation.

Compliance Schedule:

The regulations will become effective upon publication of a Notice of Adoption in the New York State Register. Already-existing assisted reproduction service providers as of the effective date of this regulation must comply with the regulation within 120 days.

Regulatory Flexibility Analysis

Effect of Rule:

There are currently no surrogacy programs operating in New York. It is not known how many surrogacy programs will begin providing services when the Laws of 2020, Chapter 56, Part L go into effect. However, many are anticipated to be small businesses. It is also not known how many currently licensed tissue banks will choose to register as assisted reproduction service providers, but some are likely to be small businesses.

This regulation has no effect on local government.

Compliance Requirements:

Small businesses wishing to operate surrogacy programs and assisted reproduction service providers will be subject to the same requirements as larger businesses. They must submit information to the Department and comply with the other requirements in this regulation to become licensed. Surrogacy programs will be required to submit information to the Department in order for the Department to maintain the surrogacy registry, and assisted reproduction service providers will be required to submit information to the Department in order for the Department to maintain the ova donation registry.

Professional Services:

It is expected that regulated parties will need the assistance of attorneys or other consultants in order to comply with Laws of 2020, Chapter 56, Part L and this regulation, which implements that law.

Compliance Costs:

Surrogacy programs will have to pay a $1,000 fee to become licensed and a $200 annual renewal fee. Assisted reproduction service providers are already regulated as health care providers, and this regulation will not increase their costs significantly.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

The proposed regulations are required to implement Laws of 2020, Chapter 56, Part L. They are intended to impose the least burden on regulated parties and to reduce costs to the taxpayers, while protecting the health and safety of donors, surrogates, and the parties to surrogacy agreements, as well as the children who are born under surrogacy agreements.

Small Business and Local Government Participation:

Stakeholders, including the American College of Obstetricians and Gynecologists (ACOG), the American Society for Reproductive Medicine (ASRM), Resolve: The National Infertility Association, and the American Bar Association, were consulted in the development of these regulations.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (https://www.census.gov/quickfacts/). At present, it is unknown how many surrogacy programs and assisted reproduction service providers will be located in these counties.

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010. At present, it is unknown how many surrogacy programs and assisted reproduction service providers will be located in these counties.

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County
Erie County	Onondaga County	

Compliance Requirements:

Individuals and entities in rural areas wishing to operate surrogacy programs and assisted reproduction service providers will be subject to the same requirements as regulated entities in non-rural areas. Such entities must submit information to the Department and comply with the other requirements in this regulation to become licensed. Surrogacy programs will be required to submit information to the Department in order for the Department to maintain the surrogacy registry, and assisted reproduction service providers will be required to submit information to the Department in order for the Department to maintain the ova donation registry.

Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services:

It is expected that regulated parties will need the assistance of attorneys or other consultants in order to comply with Laws of 2020, Chapter 56, Part L and this regulation, which implements that law.

Costs:

Surrogacy programs will have to pay a $1,000 fee to become licensed and a $200 annual renewal fee. Assisted reproduction service providers are already regulated as health care providers, and this regulation will not increase their costs significantly.

Minimizing Adverse Impact:

The proposed regulations are required to implement Laws of 2020, Chapter 56, Part L. They are intended to impose the least burden on regulated parties and to reduce costs to the taxpayers, while protecting the health and safety of donors, surrogates, and the parties to surrogacy agreements, as well as the children who are born under surrogacy agreements.

Rural Area Participation:

Stakeholders, including the American College of Obstetricians and Gynecologists (ACOG), the American Society for Reproductive Medicine (ASRM), Resolve: The National Infertility Association, and the American Bar Association, were consulted in the development of these regulations.

Job Impact Statement

A Job Impact Statement for this regulation is not being submitted, because it is apparent from the nature and purposes of the amendments that they will not have an adverse impact on jobs and/or employment opportunities.

Office of Mental Health

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Redesigning Residential Treatment Facilities (RTF)

I.D. No. OMH-09-21-00001-EP
Filing No. 136
Filing Date: 2021-02-10
Effective Date: 2021-02-10

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Repeal of Part 583 and amendment of Part 584 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09 and 31.04

Finding of necessity for emergency rule: Preservation of public health and general welfare.

Specific reasons underlying the finding of necessity: The immediate adoption of these amendments is necessary for the preservation of the health, safety, and welfare of individuals receiving services.

The revision of 14 NYCRR Part 584 and the repeal of Part 583 are necessary to streamline the admission process to residential treatment facilities and conform to recently enacted statutory authority. These changes update the language of the regulation, provides additional clarification and implements recently amended statutory authority to remove the pre-admission certification committee (PACC) through repealing Part 583 and removing such references. The rule vests such responsibility centrally with the Office of Mental Health.

The promulgation of these regulations is essential to preserve the health, safety and welfare of individuals with mental illness who receive services through RTFs. If OMH did not promulgate regulations on an emergency basis, providers will be unable to maintain the continuity and quality of care, and would result in confusion within the field.

For all of the reasons outlined above, this rule is being adopted on an Emergency basis until such time as it has been formally adopted through the SAPA rule promulgation process.

Subject: Redesigning Residential Treatment Facilities (RTF).

Purpose: To provide clarity and provide uniformity relating to RTF's and to implement chapter 58 of the Laws of 2020.

Substance of emergency/proposed rule (Full text is posted at the following State website: https://omh.ny.gov/omhweb/policy_and_regulations/): The Office of Mental Health (Office) proposes updating the regulations pertaining to residential treatment facilities, as set forth in Parts 583 and 584 of title 14 of the NYCRR to conform with recent statutory changes provided by Chapter 58 of the Laws of 2020. In addition to technical amendments, the proposed amendments make the following changes:

Part 583 will be repealed and Part 584 of title 14 is amended as follows:

- The State is looking to streamline the admission process to residential treatment facilities. These changes update the language of the regulation, provides additional clarification and implements recently amended statutory authority to remove the pre-admission certification committee (PACC) through repealing Part 583 and removing such references.
- The rule vests such responsibility centrally with the Office of Mental Health. Specifically, the proposed rule would provide updated definitions for admission criteria, alternate care determination, continued stay criteria and adds definitions for designated mental illness, medical necessity and severe emotional disturbance.
- The rule would amend 584.7 to add "continued stay" criteria and replace reference to "admission criteria" with "medical necessity criteria" and revise language to indicate discharge criteria must at minimum indicate medical necessity criteria is no longer met.
- 584.8 Admission, Transfer, Continued Stay and Discharge Policies and Procedures is amended to remove references to PACC and provide that RTF's will admit youth with an authorization to access RTF services according standards/procedures established by OMH, provides "designations of priority" for admission, provides that notices from RTFs are required to be provided to family, referral source, OMH and youth's county of origin, removes reference to 30 days turnaround requirement for evaluations for admission, provides that admission determinations must be based on the RTF's admission criteria, provided for an exemption through OMH where the RTF declines the youth for admission for a reason not based on admission criteria and requires a plan for discharge prior to the youth turning 22.
- Part 584.14 is amended to update the reference from "committee on handicap" to CSE.
- Part 584.16 is amended to remove reference to PACC and add reference to evaluation of eligibility, update reference from "committee on handicap" to CSE and to provide an updated discharge goal.
- Part 584.22 Medical Necessity for Access to Residential Treatment Facility Service, is a new section which revised and expanded upon existing medical necessity criteria and provides that medical necessity evaluations will occur by OMH or its designee.
- The amendments remove reference to "likelihood of serious harm" as defined in 9.01 and replaced with meets "criteria for voluntary admission as defined in section 9.13 of the Mental Hygiene Law" for additional clarity.
- The provision also relabels CMS Certification of Need criteria to "Severity and Intensity of Need Criteria" and integral to medical necessity criteria and includes need to obtain education needs information, and assessment/meeting of CSE within 30 days of request as referenced by Education Law Article 81 Section 4003.5.
- This part also establishes authorization for access to RTF services will occur by OMH or designee and must be obtained prior to RTF admission and requires medical necessity determination notification to county upon referral, outcomes of referral.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire May 10, 2021.

Text of rule and any required statements and analyses may be obtained from: Sara Paupini, Office of Mental Health, 44 Holland Avenue, Albany, NY 12229, (518) 474-1331, email: sara.paupini@omh.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. Statutory Authority: Sections 7.09 and 31.04 of the Mental Hygiene Law grant the Commissioner of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction, and to set standards of quality and adequacy of facilities, equipment, personnel, services, records and programs for the rendition of services for adults diagnosed with mental illness or children diagnosed with emotional disturbance, pursuant to an operating certificate.

Section 31.26 of the Mental Hygiene Law provides for the establishment of the subclass of hospitals know as residential treatment facilities for children and youth which provide active treatment under the direction of a physician for individuals who are under 21 years of age.

Article 31 of the Mental Hygiene law provides authority to issue operating certificates and to examine and inspect faculties to determine their suitability and operation.

2. Legislative Objectives: Articles 7 and 31 of the Mental Hygiene Law reflect the Commissioner's authority to establish regulations regarding mental health programs and section 9.51 authorizes the establishment of residential treatment facilities for children and youth. The proposed rule furthers the legislative policy of providing high quality mental health services to individuals with mental illness in a cost-effective manner.

3. Needs and Benefits: The State is looking to streamline the admission process to residential treatment facilities. These changes update the language of the regulation, provides additional clarification and implements recently amended statutory authority to remove the pre-admission certification committee (PACC) through repealing Part 583 and removing such references. The rule vests such responsibility centrally with the Office of Mental Health. Specifically, the proposed rule would provide updated definitions for admission criteria, alternate care determination, continued stay criteria and adds definitions for designated mental illness, medical necessity and severe emotional disturbance. The rule would amend 584.7 to add "continued stay" criteria and replace reference to "admission criteria" with "medical necessity criteria" and revise language to indicate discharge criteria must at minimum indicate medical necessity criteria is no longer met. 584.8 Admission, Transfer, Continued Stay and Discharge Policies and Procedures is amended to remove references to PACC and provide that RTF's will admit youth with an authorization to access RTF services according standards/procedures established by OMH, provides "designations of priority" for admission, provides that notices from RTFs are required to be provided to family, referral source, OMH and youth's county of origin, removes reference to 30 days turnaround requirement for evaluations for admission, provides that admission determinations must be based on the RTF's admission criteria, provided for an exemption through OMH where the RTF declines the youth for admission for a reason not based on admission criteria and requires a plan

for discharge prior to the youth turning 22. Part 584.14 is amended to update the reference from "committee on handicap" to CSE. Part 584.16 is amened to remove reference to PACC and add reference to evaluation of eligibility, update reference from "committee on handicap" to CSE and to provide an updated discharge goal. Part 584.22 Medical Necessity for Access to Residential Treatment Facility Service, is a new section which revised and expanded upon existing medical necessity criteria and provides that medical necessity evaluations will occur by OMH or its designee. The amendments remove reference to "likelihood of serious harm" as defined in 9.01 and replaced with meets "criteria for voluntary admission as defined in section 9.13 of the Mental Hygiene Law" for additional clarity. The provision also relabels CMS Certification of Need criteria to "Severity and Intensity of Need Criteria" and integral to medical necessity criteria and includes need to obtain education needs information, and assessment/meeting of CSE within 30 days of request as referenced by Education Law Article 81 Section 4003.5. This part also establishes authorization for access to RTF services will occur by OMH or designee and must be obtained prior to RTF admission and requires medical necessity determination notification to county upon referral, outcomes of referral.

4. Costs:

(a) Cost to State government: Costs will be minimal as the Office seeks to maximize existing regional staff to execute this role.

(b) Cost to local government: These regulatory amendments will not result in any additional costs to local government.

(c) Cost to regulated parties: These regulatory amendments will not result in any additional costs to those regulated parties.

5. Local Government Mandates: These regulatory amendments will not result in any additional imposition of duties or responsibilities upon county, city, town, village, school or fire districts.

6. Paperwork: No substantial increase in paperwork is anticipated as a result of the amendments.

7. Duplication: These regulatory amendments do not duplicate existing State or federal requirements.

8. Alternatives: No alternatives were considered, as these amendments seek to conform regulations to state law.

9. Federal Standards: The regulatory amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance Schedule: This rulemaking will be effective immediately upon filing with the Department of State.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments. The amendment to the regulation seeks to streamline the pre-admission process for residential treatment facilities to improve the timeliness, uniformity and efficiency of the process.

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed rule will not impose any adverse economic impact on rural areas; therefore, a Rural Area Flexibility Analysis is not necessary with this notice.

Job Impact Statement

The amendments to 14 NYCRR Parts 583 and 584 are intended to provide regulatory relief and streamline the eligibility determination for residential treatment facilities to improve the timeliness, uniformity and efficiency of the process.

It is evident from the subject matter of this rule that it could only have a positive impact or no impact on jobs or employment, therefore a Job Impact Statement is not necessary with this notice.

Office for People with Developmental Disabilities

EMERGENCY RULE MAKING

Day Habilitation Duration

I.D. No. PDD-37-20-00004-E
Filing No. 135
Filing Date: 2021-02-10
Effective Date: 2021-02-10

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 635-10.5 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 13.15(a) and 16.00

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The emergency adoption of amendments that provides service day duration flexibility for group day habilitation, site-based prevocational, and supplemental group day habilitation service providers, as set forth by the OPWDD Commissioner during the COVID-19 Public Health Emergency for individuals with developmental disabilities, is necessary to protect the health, safety, and welfare of individuals who receive these services. The emergency regulation would help maintain the capacity of providers to operate during the COVID-19 emergency. This regulation must be issued by emergency regulation to implement approvals made by the federal Centers for Medicare and Medicaid Services pursuant to that agency's disaster relief authorities.

Subject: Day Habilitation Duration.

Purpose: To assist providers in maintaining capacity to operate during the public health emergency.

Text of emergency rule: • Addition of a new clause (c) to Subpart 635-10.5(c)(6)(i) to read as follows:

(c) During the period beginning on July 22, 2020 and ending on October 14, 2020, due to the COVID-19 Public Health Emergency, group day habilitation and supplemental group day habilitation services may be delivered, and payment for such services made, for durations set forth in guidance issued by the OPWDD Commissioner.

• Addition of a new clause (e) to Subpart 635-10.5(c)(6)(ii) to read as follows:

(e) Beginning on July 22, 2020 and ending upon termination of the COVID-19 Public Health Emergency, as determined by Executive Order, group day habilitation and supplemental group day habilitation services may be delivered, and payment for such services made, during mealtimes.

• Addition of a new paragraph (18) to Subpart 635-10.5(c) to read as follows:

(18) During the period beginning on July 22, 2020 and ending on October 14, 2020, due to the COVID-19 Public Health Emergency, providers billing for services rendered using the flexible definitions of the program day duration for day habilitation authorized by subpart 635-10.5(c)(6)(i)(c) are subject to all the following conditions:

(i) The total monthly number of day habilitation units claimed during the COVID-19 Public Health Emergency do not exceed the average monthly units for each service claimed from the period of July 1, 2019 through December 31, 2019;

(ii) The combined average monthly revenue for day habilitation, site based prevocational services, community-based prevocational services, and community habilitation during the COVID-19 Public Health Emergency claimed by the provider may not exceed the provider's combined average monthly revenue for those services for the period of July 1, 2019 through December 31, 2019;

(iii) Any claims in excess of the monthly averages from this period will be subject to immediate recoupment if the agency has submitted any claims during the month that do not meet the full program day duration requirements; and

(iv) Providers will continue to work in partnership with OPWDD to make more available non-center-based and telehealth modalities in an

effort to increase community involvement of waiver enrollees and to protect the delivery of services during future emergencies.

• Addition of a new clause (d) to Subpart 635-10.5(ag)(4)(iii) to read as follows:

(d) Beginning on July 22, 2020 and ending upon termination of the COVID-19 Public Health Emergency, as determined by Executive Order, site-based prevocational services may be delivered, and payment for such services made, during mealtimes.

• Addition of a new subparagraph (iv) to Subpart 635-10.5(ag)(4) to read as follows:

(iv) During the period beginning on July 22, 2020 and ending on October 14, 2020, due to the COVID-19 Public Health Emergency, site-based prevocational services may be delivered, and payment for such services made, for durations set forth in guidance issued by the OPWDD Commissioner.

• Addition of a new paragraph (7) to Subpart 635-10.5(ag) to read as follows:

(7) During the period beginning on July 22, 2020 and ending on October 14, 2020, due to the COVID-19 Public Health Emergency, providers billing for services rendered using the flexible definitions of the program day duration for site-based prevocational services authorized by subpart 635-10.5(ag)(4)(iv) are subject to all the following conditions:

(i) The total monthly number of site-based prevocational services units claimed during the COVID-19 Public Health Emergency do not exceed the average monthly units for each service claimed from the period of July 1, 2019 through December 31, 2019;

(ii) The combined average monthly revenue for day habilitation, site based prevocational services, community-based prevocational services, and community habilitation during the COVID-19 Public Health Emergency claimed by the provider may not exceed the provider's combined average monthly revenue for those services for the period of July 1, 2019 through December 31, 2019;

(iii) Any claims in excess of the monthly averages from this period will be subject to immediate recoupment if the agency has submitted any claims during the month that do not meet the full program day duration requirements; and

(iv) Providers will continue to work in partnership with OPWDD to make more available non-center-based and telehealth modalities in an effort to increase community involvement of waiver enrollees and to protect the delivery of services during future emergencies.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. PDD-37-20-00004-EPR, Issue of December 14, 2020. The emergency rule will expire April 10, 2021.

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Avenue, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of emergency rule making, I.D. No. PDD-37-20-00004-ERP, Issue of December 30, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of emergency rule making, I.D. No. PDD-37-20-00004-ERP, Issue of December 30, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of emergency rule making, I.D. NoPDD-37-20-00004-ERP, Issue of December 30, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of emergency rule making, I.D. No. PDD-37-20-00004-ERP, Issue of December 30, 2020.

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

NOTICE OF ADOPTION

Implementation of the Statewide IEDR Program

I.D. No. PSC-25-20-00018-A
Filing Date: 2021-02-11
Effective Date: 2021-02-11

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/11/21, the PSC adopted an order establishing a statewide Integrated Energy Data Resource (IEDR) Program and directing the New York State investor-owned electric and gas utilities (IOUs) to implement the program.

Statutory authority: Public Service Law, sections 5, 65, 66 and 74

Subject: Implementation of the statewide IEDR Program.

Purpose: To establish a statewide IEDR Program and direct the IOUs to implement the program.

Substance of final rule: The Commission, on February 11, 2021, adopted an order establishing a statewide Integrated Energy Data Resource (IEDR) Program and directing the New York State investor-owned electric and gas utilities (IOUs): Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation, National Fuel Gas Distribution Corporation, St. Lawrence Gas Company, Inc., Keyspan Energy Delivery New York, and Keyspan Energy Delivery Long Island are directed to work with the Department of Public Service Staff and the New York State Energy Research and Development Authority to implement the program. The IOUs shall establish an IEDR Implementation Team, led by a member of the company's senior management team. The IOUs shall file tariff amendments necessary to effectuate the recovery of costs associated with the IEDR Program, on not less than 30 days' notice, to become effective on a temporary basis on June 1, 2021. The IOUs are directed to each file, within 30 days of the issuance of the order, General Accounting Procedures associated with the IEDR implementation cost deferral provisions The IOUs are directed to each file quarterly reports on IEDR enablement project planning and investments, with the first report being due on or before October 31, 2021. The New York State Energy Research and Development Authority (NYSERDA) shall file an initial Implementation Plan within 30 days of the issuance of the order, and an updated Implementation Plan by August 10, 2021. NYSERDA shall file an updated Bill-As-You-Go Summary within 60 days of the issuance of the order, and quarterly reports, with the first report being due on or before October 31, 2021. NYSERDA shall create a publicly accessible program dashboard that presents an at-a-glance summary of the IEDR program by October 31, 2021, and shall maintain the dashboard on an ongoing basis. NYSERDA shall file an IEDR Program Phase 1 Status and Summary Report, on or before July 30, 2023 and shall file a second report regarding the IEDR Program Phase 2 Proposal, filed on or before January 15, 2023, six months prior to the end of end of Phase 1, that addresses the remainder of the use cases to be implemented by July 30, 2026, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-M-0082SA2)

NOTICE OF ADOPTION

CDG Petition

I.D. No. PSC-28-20-00020-A
Filing Date: 2021-02-12
Effective Date: 2021-02-12

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/11/21, the PSC adopted an order denying the Coalition for Community Solar Access, et. al's (CCSA) petition regarding participation of Community Distributed Generation (CDG) customers in multiple projects.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5), 66-j, 66-l and 66-p

Subject: CDG Petition.

Purpose: To deny CCSA, et. al's petition regarding participation of CDG customers in multiple projects.

Substance of final rule: The Commission, on February 11, 2021, adopted an order denying the Coalition for Community Solar Access, New York Solar Energy Industries Association, and the Solar Energy Industries Association's petition for clarification and/or modification of permissions for Community Distributed Generation (CDG) customers to participate in multiple CDG Projects. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, Orange & Rockland Utilities, Inc., and Rochester Gas and Electric Corporation are directed to file any necessary tariff revisions necessary to effectuate the determinations made in the body of the order, on not less than 15 days' notice, to become effective April 1, 2021, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0082SA6)

NOTICE OF ADOPTION

Petition for Extension

I.D. No. PSC-32-20-00014-A
Filing Date: 2021-02-12
Effective Date: 2021-02-12

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/11/21, the PSC adopted an order denying AES Distributed Energy, Inc.'s (AES) petition for an extension of the remote net metering crediting term.

Statutory authority: Public Service Law, sections 5(2), 22, 65(1), (2), (3), 66(1), (2), (3), (4), (5), (9), (12), (12-a), 66-c, 66-j and 66-l

Subject: Petition for extension.

Purpose: To deny AES' petition for an extension of the remote net metering crediting term.

Substance of final rule: The Commission, on February 11, 2021, adopted an order denying AES Distributed Energy, Inc.'s (AES) petition for an extension of the remote net metering crediting term, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0151SA8)

NOTICE OF ADOPTION

Funding Mechanism for the Mitigation Program

I.D. No. PSC-40-20-00005-A
Filing Date: 2021-02-11
Effective Date: 2021-02-11

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/11/21, the PSC adopted an order authorizing funding for the Electric Generation Facility Cessation Mitigation Program (Mitigation Program).

Statutory authority: Public Service Law, sections 4(1), 5(1)(b), 65(1), 66(1), (5) and (12)

Subject: Funding mechanism for the Mitigation Program.

Purpose: To authorize funding for the Mitigation Program.

Substance of final rule: The Commission, on February 11, 2021, adopted an order authorizing funding for the Electric Generation Facility Cessation Mitigation Program (Mitigation Program). The New York State Energy Research and Development Authority (NYSERDA) shall enter into a memorandum of understanding with Empire State Development (ESD) to allow for the transfer of funds from legacy programs in the estimated amount of $12.5 million per year, not to exceed $112.5 million in total, to create a stable source of funding for the Mitigation Program. NYSERDA shall file a copy of the executed memorandum of understanding within 30 days of the order. NYSERDA shall submit annual filings consistent with the discussion in the order with the first annual filing due by March 16, 2022, and every year thereafter until March 15, 2031, after funding ceases on December 31, 2030. Within 60 days of this Order, NYSERDA and the investor-owned electric distribution utilities shall update the Bill-As-You-Go (BAYG) terms to specify the Mitigation Program as a component of the BAYG process, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0473SA1)

NOTICE OF ADOPTION

Host Community Benefit Program

I.D. No. PSC-40-20-00008-A
Filing Date: 2021-02-11
Effective Date: 2021-02-11

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/11/21, the PSC adopted an order establishing, with modifications, the Host Community Benefit Program.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Host Community Benefit Program.

Purpose: To establish, with modifications, the Host Community Benefit Program.

Substance of final rule: The Commission, on February 11, 2021, adopted an order establishing, with modifications, the Host Community Benefit (HCB) Program. The New York State Energy Research and Development Authority (NYSERDA) shall ensure that all Tier 1 Renewable Energy Credit (REC) contracts entered into after April 3, 2020 with a Major Renewable Energy Facility appropriately reflects the obligations of the HCB Program established in the order, including the payment, annually for a period of ten years, of Program Fees in the amount of $500 per MW nameplate capacity for applicable solar projects and $1,000 per MW nameplate capacity for applicable wind projects to fund the HCB Program. NYSERDA shall require each Major Renewable Energy Facility to

provide documentation that appropriate and sufficient Program Fees have been transferred to the administrating utility(ies) prior to disbursing RECs to the Major Renewable Energy Facility. The Electric Distribution Utilities identified in Appendix A to the order are directed to administer the HCB Program. The Major Electric Distribution Utilities identified in Appendix A to the order are directed to file Implementation Plans by July 31, 2021, for Commission consideration and approval. The Small and Municipal Electric Distribution Utilities identified in Appendix A to the order are directed to file Implementation Plans, for Commission consideration and approval, within thirty days following notice by NYSERDA that NYSERDA has entered into a REC contract for a Facility located within the affected utility's territory. The Electric Distribution Utilities identified in Appendix A to the order are required to file annual reports by each April 1 for the prior calendar year, for each calendar year in which the utility administered the Program for at least one Major Renewable Energy Facility. Such annual reports shall be consistent with the discussion in the body of the order and shall adhere to the guidance issued by Department Staff. Department of Public Service Staff shall develop and file a report on the implementation and effectiveness of the HCB Program which shall be due on or before June 1, 2023, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0249SA1)

NOTICE OF ADOPTION

Transfer of Assets

I.D. No. PSC-41-20-00013-A

Filing Date: 2021-02-12

Effective Date: 2021-02-12

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/11/21, the PSC adopted an order approving Atlantic Wind LLC's (Atlantic Wind) petition for the transfer of assets related to the Deer River Wind Energy Project to Deer River Wind LLC (Deer River).

Statutory authority: Public Service Law, sections 2(12), (13), 5(1)(b), 5-b, 64, 65, 66 and 70

Subject: Transfer of assets.

Purpose: To approve Atlantic Wind's petition to transfer assets to Deer River.

Substance of final rule: The Commission, on February 11, 2021, adopted an order approving Atlantic Wind LLC's petition for the transfer of assets; the Certificate of Environmental Compatibility and Public Need and related real property rights, to Deer River Wind LLC (Deer River). Within 30 days of the date of issuance of the order, Deer River shall inform the Secretary to the Commission in writing of the date on which the transfers authorized in the preceding clause was or will be completed, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0431SA1)

NOTICE OF ADOPTION

Transfer of Natural Gas Pipeline Facilities and a Lightened Regulatory Regime

I.D. No. PSC-44-20-00010-A

Filing Date: 2021-02-12

Effective Date: 2021-02-12

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/11/21, the PSC adopted an order approving EmKey Gathering, LLC, et. al's (EmKey) petition to transfer natural gas pipeline facilities and related assets to Chautauqua Green Energy, LLC (CGE) and provides CGE with a lightened regulatory regime.

Statutory authority: Public Service Law, sections 2(10), (11), 5(1), (2), 5-b, 64, 65, 66, 67, 68, 69, 69-a, 70, 71, 72 and 72-a

Subject: Transfer of natural gas pipeline facilities and a lightened regulatory regime.

Purpose: To approve EmKey's petition to transfer natural gas pipeline facilities to CGE and provide for a lightened regulatory regime.

Substance of final rule: The Commission, on February 11, 2021, adopted an order approving EmKey Gathering, LLC (EmKey), Chautauqua Green Energy, LLC (CGE), and CGE Ventures, LLC's petition to transfer natural gas pipeline facilities and related assets from EmKey to CGE and provide CGE with a lightened regulatory regime, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-G-0486SA1)

NOTICE OF ADOPTION

Phase 1 Local Transmission and Distribution Project Proposals

I.D. No. PSC-46-20-00008-A

Filing Date: 2021-02-11

Effective Date: 2021-02-11

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/11/21, the PSC adopted an order establishing the process and providing direction for Phase 1 Local Transmission and Distribution Project Proposals.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2) and 66

Subject: Phase 1 Local Transmission and Distribution Project Proposals.

Purpose: To establish the process and provide direction for Phase 1 Local Transmission and Distribution Project Proposals.

Substance of final rule: The Commission, on February 11, 2021, adopted an order establishing the process and providing direction for Phase 1 Local Transmission and Distribution Project Proposals. Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E) shall proceed with the Phase 1 projects already included in a rate filing or rate plan, and shall include any additional Phase 1 projects that support Climate Leadership and Community Protection Act (CLCPA) goals in each respective utility's next rate filing, unless the utility determines that funding is needed earlier. Central Hudson, Con Edison, NYSEG, National Grid, O&R and RG&E shall provide semi-annual reports, to be filed on January 1st and July 1st of each year. Central Hudson, Con Edison, NYSEG, National Grid, O&R and RG&E shall consider the applicability of one or more advanced technologies to each of their Phase 1 transmission projects, and provide the results of their evaluations. Department of Public Service Staff shall develop a

straw proposal, to be filed no later than 30 days after the issuance of the order, for a study methodology or methodologies that will generate an improved understanding of system headroom for the purpose of evaluating the CLCPA benefits of potential projects, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0197SA3)

NOTICE OF ADOPTION

Motion for Waiver of Article VII Regulations

I.D. No. PSC-48-20-00006-A

Filing Date: 2021-02-11

Effective Date: 2021-02-11

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/11/21, the PSC adopted an order approving New York Transco LLC's (NY Transco) motion for waiver of certain Public Service Law Article VII regulations related to its application for a Certificate of Environmental Compatibility and Public Need.

Statutory authority: Public Service Law, section 4 and 122

Subject: Motion for waiver of Article VII regulations.

Purpose: To approve NY Transco's motion for waiver of Article VII regulations.

Substance of final rule: The Commission, on February 11, 2021, adopted an order approving New York Transco LLC's motion for waiver of certain Public Service Law Article VII regulations; 16 NYCRR § 86.3(a)(2), § 86.3(a)(2)(iv), and § 88.4(a)(4), the filing of certain maps and a System Reliability Impact Study, related to its application for a Certificate of Environmental Compatibility and Public Need, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-T-0549SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Gas Moratorium Procedures

I.D. No. PSC-09-21-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering the Department of Public Service Staff Moratorium Management Proposal, filed on February 12, 2021.

Statutory authority: Public Service Law, sections 5, 31, 65, 66-a and 66-b

Subject: Gas moratorium procedures.

Purpose: To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium.

Substance of proposed rule: The Public Service Commission (Commission) is considering the Staff Moratorium Management Proposal (Proposal), filed on February 12, 2021. The Commission's Order Instituting Proceeding, issued on March 19, 2020, stated that one of the elements of the proceeding is to develop standards governing moratoria in order to minimize hardships in the event a future moratorium on new gas customers occurs.

The Proposal explains that gas moratoria impose significant hardships on customers and applicants for gas service. Further, with diligent effort from all stakeholders, no moratoria may be needed in the foreseeable future. However, the Proposal sets forth standards that should minimize hardships and inequities, should a moratorium on new gas customers be required in the future.

The Proposal would have the 11 largest gas distribution utilities in New York State file tariff amendments and procedures specifying the metrics to be used to identify the potential need for a moratorium and standards for implementing a moratorium. Additionally, the Proposal would have these utilities file communications plans to be followed in the event of a moratorium. These filings would be due 90 days after a Commission order taking action on the Proposal.

Further, the Proposal sets forth requirements of the utilities prior to implementing a moratorium, starting with a utility filing a notice two years in advance of any potential moratorium. The utility would then be required to take continuous action to avert the need for the moratorium and keep the Commission and affected stakeholders up-to-date on the potential need for the moratorium. The Proposal would have utilities file a formal Notice of Moratorium at least 120 days prior to actually instituting a moratorium. The Proposal also sets forth standards for which the utilities would comply during a moratorium, and lifting a moratorium.

The 11 gas distribution utilities that Staff proposes would be subject to the long-term planning process outlined in the Proposal are: Consolidated Edison Company of New York, Inc.; The Brooklyn Union Gas Company d/b/a National Grid NY; KeySpan Gas East Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; Central Hudson Gas & Electric Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; New York State Electric & Gas Corporation; Rochester Gas and Electric Corporation; National Fuel Gas Distribution Corporation; Liberty Utilities (St. Lawrence Gas) Corp.; and Corning Natural Gas Corporation.

The full text of the proposal and the full record of the proceeding may be viewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-G-0131SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Filing to Modify Language to Reflect Upgrades Being Made to Its Legacy Customer Information System

I.D. No. PSC-09-21-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by Central Hudson Gas & Electric Corporation its gas tariff schedule, P.S.C. No. 12 — Gas, to modify language to reflect upgrades being made to its Legacy Customer Information System.

Statutory authority: Public Service Law, sections 66(12)

Subject: Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering a proposal filed by Central Hudson Gas & Electric Corporation (Central Hudson or

the Company) on February 1, 2021, to amend its gas tariff schedule, P.S.C. No. 12 – Gas, to modify language to reflect upgrades being made to its Legacy Customer Information System.

By the proposed tariff amendments on February 1, 2021, Central Hudson seeks to modify tariff language to reflect upgrades being made to its Legacy Customer Information System in July 2021. Specifically, Central Hudson proposes: (1) Revenue Tax factor will be shown as multiplier rather than divisor; (2) Retail Supplier that provides gas supply to only one service for a customer having both an area light and gas service will be charged one-half of the gas charge; and (3) the Deferred Payment Agreement will be updated. The proposed amendments have an effective date of July 1, 2021.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-G-0079SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-09-21-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering the notice of intent of MG RMC Martine Lower Floors LLC to submeter electricity at 111 Martine Avenue, White Plains, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Notice of intent to submeter electricity.

Purpose: To ensure adequate submetering equipment and consumer protections are in place.

Substance of proposed rule: The Commission is considering the notice of intent filed by MG RMC Martine Lower Floors LLC on December 15, 2020, to submeter electricity at a new market-rate an income-based rental building located at 1-11 Martine Avenue, White Plains, New York 10606, located in the territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, MG RMC Martine Lower Floors LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The full text of the notice of intent and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0656SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Utility Capital Expenditure Proposal

I.D. No. PSC-09-21-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a business case report filed by Liberty Utilities (St. Lawrence Gas) Corp., which outlines proposed distribution enhancements and related capital expenditures in Franklin County in 2021.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Utility capital expenditure proposal.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Public Service Commission (Commission) is considering a business case report filed on February 2, 2020, and updated thereafter, by Liberties Utilities (St. Lawrence Gas) Corp. (the Company). The Company proposes to extend the distribution main and services in four different areas in the Village of Malone, Franklin County. The Company plans to build a total of approximately 12,203 feet of main to enable it to serve 264 potential customers.

The Company filed the business case as required in the Commission's Order Adopting the Terms of Joint Proposal, issued in Case 18-G-0133 and 18-G-0140 on October 18, 2019. Section IV A.4 of the Joint Proposal requires the Company to file with the Secretary, on an annual basis, a business case, including estimated capital expenditures, demonstrating the economic feasibility for distribution enhancements it intends to construct in and around the Franklin County portion of its service territory.

The Company states that the proposed distribution enhancements would provide the Company the opportunity to convert customers using dirtier fossil fuels to gas service, noting that approximately two thirds of the potential customers use oil as their fuel source and the remaining one third use propane. The Company also states that the conversion will benefit an economically-challenged area of the State by providing residential customers annual average savings of up to eighteen percent and claiming it would be a more attractive energy alternative for new businesses. The Company proposes to begin construction after June 1, 2021.

The full text of the report and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-G-0133SP3)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Long-Term Gas System Planning

I.D. No. PSC-09-21-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering the Department of Public Service Staff Gas System Planning Process Proposal, filed on February 12, 2021.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Long-term gas system planning.

Purpose: To consider a process to review gas distribution utilities' long-term system planning.

Substance of proposed rule: The Public Service Commission (Commission) is considering the Staff Gas System Planning Process Proposal (Proposal), filed on February 12, 2021. The Commission's Order Instituting Proceeding, issued on March 19, 2020, required that Department of Public Service Staff develop a proposal for a modernized gas system planning proposal.

The Proposal describes a process under which each of the 11 largest gas distribution utilities in New York State would file a long-term system plan every three years. The purpose of the long-term planning process under the Proposal is to enable the utilities to meet current customer needs and expectations in a transparent and equitable way, while minimizing infrastructure investments and maintaining safe and reliable service. The utilities' long-term system plans would include forecasts of gas demand and gas supply and capacity for their service territories over a 20 year period. The plans would also include the utilities' proposals for capital expenditures in traditional assets, such as pipelines, and proposals for non-pipeline alternatives to meet system needs, such as energy efficiency, demand response programs, and electrification. The Proposal envisions opportunities for stakeholder review and input on the gas distribution utilities' long-term plans.

The 11 gas distribution utilities that Staff proposes would be subject to the long-term planning process outlined in the Proposal are: Consolidated Edison Company of New York, Inc.; The Brooklyn Union Gas Company d/b/a National Grid NY; KeySpan Gas East Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; Central Hudson Gas & Electric Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; New York State Electric & Gas Corporation; Rochester Gas and Electric Corporation; National Fuel Gas Distribution Corporation; Liberty Utilities (St. Lawrence Gas) Corp.; and Corning Natural Gas Corporation.

The full text of the proposal and the full record of the proceeding may be viewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-G-0131SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Proposed Filing to Modify Language to Reflect Upgrades Being Made to Its Legacy Customer Information System

I.D. No. PSC-09-21-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by Central Hudson Gas & Electric Corporation its electric tariff schedule, P.S.C. No 15—Electricity, to modify language to reflect upgrades being made to its Legacy Customer Information System.

Statutory authority: Public Service Law, section 66(12)

Subject: Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering a proposal filed by Central Hudson Gas & Electric Corporation (Central Hudson or the Company) on February 1, 2021, to amend its electric tariff schedule, P.S.C. No. 15 – Electricity, to modify language to reflect upgrades being made to its Legacy Customer Information System.

By the proposed tariff amendments on February 1, 2021, Central Hudson seeks to modify tariff language to reflect upgrades being made to its Legacy Customer Information System in July 2021. Specifically, Central Hudson proposes: (1) the Energy Cost Adjustment Mechanism factor for Service Classification No. 5 will be prorated based on the number of days each Energy Cost Adjustment Mechanism Factor is in effect during a customer's billing period; (2) Revenue Tax factor for electric will be shown as multiplier rather than divisor; (3) Retail Supplier that provide electric supply to only one service for a customer having both an area light and electric service will be charged one-half of the electric charge; and (4) the Deferred Payment Agreement will be updated. The proposed amendments have an effective date of July 1, 2021.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-E-0078SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Changes to PSL Section 66-p Relating to Billing Information for Residential Rental Premises

I.D. No. PSC-09-21-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by Fillmore Gas Company to modify its gas tariff schedule regarding changes to PSL Section 66-p relating to billing information for residential rental premises.

Statutory authority: Public Service Law, sections 65, 66 and 66-p

Subject: Changes to PSL section 66-p relating to billing information for residential rental premises.

Purpose: To establish provisions as necessary to effectuate PSL section 66-p.

Substance of proposed rule: The Commission is considering a proposal by Fillmore Gas Company (the Company) on February 9, 2021, to amend its gas tariff schedule, P.S.C. No. 1 – Gas. The Company proposes to establish provisions relating to billing information for residential rental properties in accordance with the recently enacted Public Service Law Section 66-p which became effective on April 18, 2020.

The Company proposes to include language in its gas tariff specifying that the Company shall provide the prospective tenant and landlord or other authorized person of prospective residential premises the total gas charges incurred for the life at such premises, or the preceding two-year period, whichever is shorter, within ten days of receipt of the written request, at no cost to the requestor. The proposed amendments have an effective date of June 1, 2021.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-M-0029SP21)

Department of State

NOTICE OF ADOPTION

Siting Permits for Major Renewable Energy Facilities Pursuant to Executive Law Section 94-c

I.D. No. DOS-37-20-00015-A

Filing No. 157

Filing Date: 2021-02-24

Effective Date: 2021-03-03

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Subparts 900-1 through 900-5 and 900-7 through 900-15 to Title 19 NYCRR.

Statutory authority: Executive Law, section 94-c(3)(g)

Subject: Siting permits for major renewable energy facilities pursuant to Executive Law Section 94-c.

Purpose: Establish procedural requirements for permits for siting, design, construction & operation of major renewable energy facilities.

Substance of final rule: The creation of the first-in-the-nation Office of Renewable Energy Siting (ORES or Office) will serve to accelerate Governor Andrew M. Cuomo's aggressive clean energy and climate goals for New York. As a national leader in clean renewable energy and environmental protections, New York State has taken bold actions to combat climate change and lay a foundation for a more sustainable future for all New Yorkers. The Office will strengthen the State's clean energy agenda, including its commitment to obtain 70 percent of the state's electricity from renewable sources, as identified under the Climate Leadership and Community Protection Act. By supporting the development of large-scale renewable energy projects in a way that also ensures the protection of the State's valuable natural resources, such as its agricultural lands for the production of food and other agricultural products, and wetlands to protect and improve water quality, the Office will advance a cleaner, greener environment while fostering significant economic benefits and jobs to the State.

In accordance with Executive Law (EL) Section 94-c(3)(g), the Office is proposing a comprehensive set of regulations necessary to process applications for the siting, design, construction and operation of major renewable energy facilities, as defined at EL Section 94-c(2)(h). These proposed rules, which would be adopted as Subparts 900-1 through 900-5 and Subparts 900-7 through 900-14, contain provisions related to basic procedures for pre-application consultations with the ORES and other state agencies, filing, service and publication of notice of an application, the required contents of a complete application, requirements for applicants transferring from Article 10 or another alternate permitting process, the ORES's processing of an application, the establishment and administration of the local agency account, amending an application, notice and conduct of public hearings, issuance of a final determination by the ORES, submission and review of compliance filings, modification, transfer or relinquishment of permits, enforcement and other miscellaneous provisions, as detailed below. Promulgation of these rules would complement the proposed regulations for Subpart 900-6 that would adopt uniform standards and conditions that would be incorporated into draft permits issued by the Office for public comment.

Many of the proposed rules contained in this rulemaking are based on rules adopted by the Public Service Commission (PSC) or the New York State Department of Environmental Conservation (NYSDEC). Under Article 10 of the Public Service Law (PSL), the PSC and the relevant Siting Board have jurisdiction over the siting of major renewable energy facilities, as such facilities are major electric generating facilities. The PSC adopted regulations at 16 NYCRR Part 1000 et seq., which contain the rules specifying the content of an application to site, construct and operate a major electric generating facility, and in developing these proposed rules, the ORES used the PSC rules as a baseline.

Similarly, because the Accelerated Renewable Energy Growth and Community Benefit Act (the "Act") modified the hearing standard applicable to major renewable energy projects and now requires parties who wish to litigate issues to demonstrate such issues are substantive and significant, a legal test currently used by the NYSDEC, the rules at 6 NYCRR Part 624 served as a baseline for the hearing rules proposed for this new permitting process.

A more detailed summary of the express terms follows.

Section 900-1.1 specifies the purpose of the rules and the types of projects to which the rules apply and reflects the scope of the ORES's authority as specified in the Act. The regulations would apply to applications for permits for the siting, design, construction, operation, and modification of major renewable energy facilities pursuant to EL Section 94-c. A major renewable energy facility is any renewable energy system with a nameplate generating capacity of twenty-five thousand kilowatts (kW) or more, and any co-located system storing energy generated from such a renewable energy system. It also includes electric transmission facilities less than ten miles in length at one hundred twenty-five kilovolts that provide access to load and/or integrate the generation facility into the state's bulk electrical transmission system.

Section 900-1.2 contains definitions for all of Part 900, including proposed terms applicable to application processing and the adjudicatory process.

Section 900-1.3 provides details of the pre-application process and includes requirements for consultation with local agencies, public meetings, consultation with the ORES and the NYSDEC to review potential wetland, water, and wildlife impacts, and consultation with the ORES and the New York State Historic Preservation Office regarding archaeological resources.

Section 900-1.4, which sets forth the requirements for a complete application for a siting permit, and coordination of processing applications for a water quality certification pursuant to Section 401 of the Clean Water Act.

Section 900-1.5 imposes a fee on the applicant to allow the ORES to recover the costs of reviewing an application in an amount equal to one thousand dollars for each 1,000 kilowatts of capacity, which shall be due at the time of application filing.

Section 900-1.6 addresses requirements for filing, service and publication of notice of an application. The applicant will be required to serve paper and/or electronic copies of the application on the ORES, regulatory agencies, municipalities, libraries in the affected communities and the Attorney General. In addition, notice must be published in a local newspaper and provided to persons residing within a one mile of a proposed solar facility and five miles of a proposed wind facility and to relevant members of the state legislature.

Subpart 900-2 contains the proposed requirements for the specific analyses and support for an application for a siting permit and describes what is expected in each of the twenty-five separate exhibits covering topics such as land use, consistency with energy planning objectives, real property, public health, safety and security, noise and vibration, cultural resources, endangered and threatened species, visual impacts, water quality and wetlands. Exhibits include, among other things, design goals (for example, noise limits for wind facilities) and specific measures to avoid, minimize and mitigate impacts to natural resources (such as wetlands and streams).

Subpart 900-3 describes how applications currently being processed under PSL Article 10 or another permitting process may transfer into the ORES siting process, as specifically authorized by the Act. This section provides that, for any matters and issues that have been identified and resolved in prior proceedings, the siting permit will reflect such resolution and those provisions will not be the subject of any adjudicatory hearing conducted pursuant to EL Section 94-c. In addition, it provides that applications deemed complete under Article 10 will be deemed complete upon filing with the ORES.

Subpart 900-4 contains proposed timeframes and steps to the review of an application once filed and reflects the mandate for the ORES to make a determination of completeness within 60 days of receipt of an application. If the ORES fails to make a determination within the required time frame, the application will be deemed complete. In the event of an incompleteness determination, the ORES shall identify the deficiencies in the application. The applicant shall have three months to identify a schedule to cure any deficiencies; otherwise, the ORES may deem the application withdrawn, without prejudice. Proposed Section 900-4.1 also describes how the Office's decisions will be relayed to the public.

Subpart 900-5 proposes rules for the use of the local agency account,

which contains funds available to local agencies and potential community intervenors for the review of applications filed with the Office. Local agencies, municipalities and community members may request funds from the local agency account within thirty days of the filing of a siting permit application. The ALJ will make its determination on such request for funding within thirty days of the deadline for submission of requests. Requests for reimbursement will be made to the ORES, and NYSERDA will release funds upon the direction of the ORES.

Subpart 900-7 proposes rules for amendment of an application and the impact of an amendment on the review of a pending application. Specifically, the proposed rules indicate that amendments may only be made prior to a notice of complete application and for a major change to an existing application, and the proposed rules specify that the timeframes for review would be suspended.

Subpart 900-8 contains the Office's proposed rules for the public comment period for draft permits issued by the ORES and the hearing process that would be available to resolve disputes between the Office and an applicant, and issues raised by potential parties. The proposed rules, which are based on 6 NYCRR Part 624, also detail the steps of the adjudicatory process and describe whether and how an issue raised during a public comment period may be adjudicated. This subpart addresses each stage of the hearing process beginning with the publication of the draft permit (Section 900-8.1), notice and content of the hearing (Section 900-8.2) and rules related to a public comment hearing and issues determination (Section 900-8.3). The draft rules at Section 900-8.4 provide a process for potential parties to seek party status and raise issues for adjudication. The proposed rules provide definitions for the terms "substantive" and "significant", which constitute the legal standard for adjudication.

Section 900-8.5 proposes general rules of practice for actions such service of documents, motion practice, and expedited appeals and Section 900-8.6 provides proposed rules for disclosure, motions for protective orders and submission of pre-filed testimony. Section 900-8.7 addresses the order of events for adjudicatory hearings, describes the powers of the administrative law judge presiding over the hearing, and Section 900-8.8 contains proposed rules governing the submission of evidence, assigning the burden of proof and establishing the standard of proof in adjudicatory hearings.

Proposed Section 900-8.9 provides proposed rules to address the potential for ex parte communications and Section 900-8.10 provides that the costs of any adjudicatory hearing are the responsibility of the applicant. The proposed rulemaking also addresses the contents of the record of the hearing (Section 900-8.11) and details how the final decision of the administrative law judge will be incorporated into a recommended decision and hearing report and accompanied by a summary of the comments received from the public (Section 900-8.12).

Subpart 900-10 proposes the compliance filing process that would be required subsequent to issuance of a siting permit by the Office. More specifically, Section 900-10.1 addresses the timing of approvals of filings, Section 900-10.2 identifies pre-construction compliance filings and Section 900-10.3 describes post-construction filings that would be required.

Subpart 900-11 addresses permit modifications, transfers of issued permits and relinquishment of permits. Specifically, the draft rules propose a process for modifying permits issued by the Office, including modifications requested by the applicant and modifications initiated by the ORES. The draft rules contain timeframes for review and address the need for additional hearings.

Subpart 900-12 proposes rules for the enforcement of permits issued by the ORES and provides the ORES and the New York State Department of Public Service with stop-work authority in the event of noncompliance with an issued permit condition and describes a process for lifting the stop-work order.

Finally, Subpart 900-13 contains a severability provision, Subpart 900-14 contains the effective date of the proposed rules and Subpart 900-15 provides a list of documents incorporated by reference into Part 900.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 900-1.1(a), (b)(1), (2), (3), (4), 900-1.2(e), (h), (i), (k), (l), (r), (z), (ae), (af), (ag), (ap), (be), (bf), (bh), (bk), (bx), (aa)-(ca), 900-1.3(a)(3), (b), (d), (e)(1), (2), (3), (3), (4), (5), (f)(1), (2), (3), (4), (5), (h)(1), (4), 900-1.4(b)(1), 900-1.5(a), 900-2.4(j), (o), (q), (u)(1), 900-2.6(f)(1)(i), 900-2.8(b)(1)(ii), (iii), (iv), (2)(iii), (c), (2), (d)(2)(i), (e)(1), (f), (m)(1), (p)(5)(i), (q)(1), (2)(iv), 900-2.9(a)(8), (b)(4)(ii), (iv), (v), 900-2.10(a), (a)(2), (5), (b), 900-2.11(a)(4), 900-2.12(d), 900-2.13(b), 900-2.14(b)(1), (2), (3), (5), (6)(iv), (v), (vi), (c)(2), 900-2.15(a), (f)(3), (g)(2)(iv)(a), (b), (c), (g), Table 1, 900-2.16(a)(5), (6), (7), (8), 900-2.16(b)(2)-(6), (c), 900-2.22(b), 900-2.23 Preamble, (d)(7), 900-2.25(c), 900-2.26(a), (b), 900-3.1(a)(1), (2)-(8), 900-3.2(a)(1)(i), (ii)-(viii), (vi), (vii), (viii), (b)(1), (2)-(8), 900-8.3(b)(1), 900-8.4(c)(5), 900-8.6(c)(1), 900-10.2(b)(1), (d)(1), (f)(6), (g)(2), (h)(3), 900-11.2(a), 900-11.4(a), (b), (c), (d), (e)(1), (f)(2), (3), 900-15.1(a), (a)(1), (a)(1)(i), (ii), (iii), (iv), (v), (2), (b)(1), (b)(1)(i), (ii), (iii), (2), (c), (c)(1)(i), (2), (d)(2), (e)(1)(i), (2), (f)(1)(i), (ii), (2), (g)(1)(i), (2), (h)(1)(i), (h)(2), (i)(1)(i), (ii), (iii), (i)(2), (j)-(o) and 900-15.2.

Text of rule and any required statements and analyses may be obtained from: Houtan Moaveni, Acting Executive Director, New York State Office of Renewable Energy Siting, Empire State Plaza, 240 State Street, P-1 South, J Dock, Albany, New York 12223, (518) 473-4590, email:houtan.moaveni@ores.ny.gov.

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Modification of the Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, Job Impact Statement that were published as a part of the Notice of Proposed Rule Making is unnecessary. The rule does not contain any substantial revisions, and non-substantial revisions to the rule text do not render the Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement inadequate or incomplete.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Office of Renewable Energy Siting (the Office or ORES) proposed the adoption of regulations at Subparts 900-1 through 900-5 and 900-7 through 900-15 of Chapter XVIII Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) on September 16, 2020. ORES proposed the Subparts as required by the Accelerated Renewable Energy Growth and Community Benefit Act (Act) and Executive Law (EL) § 94-c, which became effective on April 3, 2020.

In 2019, New York State enacted the Climate Leadership and Community Protection Act (CLCPA), landmark legislation that established nation-leading goals of fighting climate change by achieving 70% of statewide electrical generation from renewable energy sources by 2030, and reducing the statewide electrical demand system to zero emissions by the year 2040. The Act recognizes that the responsible and timely siting of major renewable energy facilities will be critical to realizing these goals, given the ability of these facilities to reduce carbon emissions.

EL § 94-c consolidates the environmental review and permitting of major renewable energy facilities and provides a single forum in which ORES may undertake a coordinated and timely review of such facilities to meet the State's renewable energy goals, while ensuring the protection of the environment and consideration of all pertinent social, economic, and environmental factors. The statute requires ORES to promulgate regulations to implement EL § 94-c within one year of its effective date.

Notice of Proposed Rule Making for Subparts 900-1 – 900-5 and 900-7 – 900-15 was published in the State Register on September 16, 2020. The proposed regulations were posted on the Office's website at https://ores.ny.gov/regulations. The original deadline to submit comments on the draft regulations was November 16, 2020; ORES extended the public comment period until December 7, 2020 (Notice of Comment Extension 11252020). Promulgation of these rules will effectuate the statute and complement the regulations in 19 NYCRR Subpart 900-6 adopting uniform standards and conditions (USCs) that would be incorporated into siting permits issued by ORES.

Public Engagement

The statute did not require that all substantive regulations be the subject of public hearings. Rather, such hearings were required by EL § 94-c to solicit public comment on the USCs. The Office held seven public hearings, while complying with public health and safety guidelines due to the circumstances presented by the COVID-19 pandemic. Although the hearings were specifically required to accept comments on the draft USCs, ORES considered all comments made at those hearings, including comments on Subparts 900-1 through 900-5 and 900-7 through 900-15.

ORES received oral comments from nearly 200 individuals during the public hearings and received over 5,000 written comments from various stakeholders. Many comments and submissions raised distinct individualized issues, while many of the form letters, emails and mass mailings repeated similar concerns. Because many of the submissions commented on multiple different aspects of the proposed rules, ORES separated submissions by topic and grouped related comments together. A copy of the full assessment of public comments is available on the ORES website.

After careful consideration of all of the comments received, ORES made several non-substantive changes to address the comments and to clarify the proposed regulations, as summarized below.

General Comments

ORES received many general comments on EL § 94-c, the regulatory process and the scope and sufficiency of the regulations. Many of these comments offered suggestions on how ORES should exercise its judge-

ment or fell outside of the purview of EL § 94-c and the jurisdiction of ORES. Comments were provided in support of and in opposition to the statute and regulations generally. Those who supported the regulations cited the positive benefits, such as the acceleration of the state's adoption of renewable energy facilities to help fight climate change and protect the environment, the creation of new jobs and an increased investment in clean energy. Comments in opposition asserted the statute is in violation of home rule principles and the regulations are not sufficiently protective of the communities, environment, natural resources, prime agricultural land, archaeological or historical sites, and the health, welfare, and safety of New York state residents.

ORES acknowledges the various comments and different viewpoints. The regulations take into consideration the protection of the environment, public health and safety, and the welfare of all New York State residents. The regulations require a robust review of all potential significant adverse impacts associated with the construction and operation of a major renewable energy facility. The regulations require that potential significant adverse impacts must be avoided and minimized to the maximum extent practicable, and where impacts cannot be avoided or minimized, mitigations must be provided.

EL § 94-c(6) excludes Article 8 of the Environmental Conservation Law from the list of approvals otherwise needed for a major renewable energy facility, and the regulations implement the intent of the statute to undertake a coordinated and timely review of proposed major renewable energy facilities to meet the state's renewable energy goals, while ensuring the protection of the environment and consideration of all pertinent social, economic, and environmental factors in the decision as to whether to permit such facilities.

ORES conducted a review of the potential environmental impacts of the regulations pursuant to the State Environmental Quality Review Act (SEQRA) and completed an updated Short Environmental Assessment Form, Coastal Assessment Form and negative declaration, which are on file. Promulgation of the regulations does not include any direct approval of applications for the siting of major renewable energy facilities. Each siting permit application will undergo an individualized, site-specific review by ORES to ensure avoidance or minimization of adverse environmental impacts to the maximum extent practicable.

Definitions

Multiple commenters requested clarification or addition of various defined terms. ORES has revised several definitions for clarification purposes, including "chief executive officer", "major amendment", "major modification", "major renewable energy facility", "person", and "potential community intervenor". ORES also added two defined terms, "host community benefit" and "project impact area," to provide additional clarity.

Local Agencies and Public Participation

ORES recognizes that local agencies and public participation are a critical part of the EL § 94-c permitting process. In response to comments regarding enhanced local agency and public participation, ORES included decommissioning as a topic for the applicant's initial summary of local requirements, required that notice must be provided no more than 30 days in advance of the mandatory community meeting (instead of 21 days), and required that the applicant provide 60 days' notice of intent to file an application to those local agencies in attendance at the required pre-application meeting with local municipal officials (§§ 900-1.3(a)(3), (b) and (d)).

ORES Fee

The regulations in § 900-1.5(a) were revised to be consistent with the statutory language regarding the purpose of the ORES fee. Similar clarifying revisions were made to §§ 900-3.1(a)(8), 3.2(a)(1)(viii) and 3.2(b)(8).

Application Requirements

With regard to evaluating and proposing measures to mitigate potential adverse impacts on wetlands, waterbodies and wildlife, commenters expressed concern about the scope and extent of required surveys, consultation requirements, and jurisdictional determinations for state-regulated wetlands or waterbodies.

ORES has collaborated closely with the NYS Department of Environmental Conservation (NYSDEC) in the development of the regulations and will continue to do so in the manner required under EL § 94-c. In response to comments received, ORES has clarified the regulations in §§ 900-1.3(e) and (f) (Pre-application Procedures) to specify that ORES will review the applicant's draft delineation reports and determine the boundaries of state-regulated wetlands and surface waters; as set forth in § 900-10.2(a), applicants are required to comply with applicable regulatory processes outside the purview of ORES and provide copies of all required federal/federally-delegated permits to ORES as part of the pre-construction compliance filings. ORES clarified the scope of such delineations and impact assessments in §§ 900-2.14 (Water Resources and Aquatic Ecology) and 900-2.15 (Wetlands).

With respect to surveys for unmapped oil and gas wells, commenters suggested that the use of magnetometers to locate such wells should not be required unless suspected wells cannot be located. ORES clarified text in § 900-2.4(u)(1) to require use of magnetometers to determine if any NYSDEC-regulated wells are present within 500 feet of proposed areas to be disturbed.

Regarding the assessment of potential noise and vibration impacts (§ 900-2.8), several commenters recommended deleting the provisions that prohibit the presence of prominent tones, as these are allowed under relevant standards if a 5 dBA penalty is applied. ORES concurred and revised §§ 900-2.8(b)(1)(ii), and (b)(2)(iii), and 900-6.5(a)(1)(ii) to be consistent. In addition, ORES clarified that evaluations of maximum noise levels in § 900-2.8(c) should be conducted on a cumulative (if any) and non-cumulative basis.

Comments concerning § 900-2.10 (Cultural Resources) suggested that the study area for archaeological resources may not be the same as for historic architecture. ORES agreed and has included a clarifying definition of "Project Impact Area" in § 900-1.2(bk).

Regarding the identification and assessment of existing geology and soil conditions, commenters requested a revision to § 900-2.11(a)(4) to allow the pre-application geotechnical analysis to include a representative sample of turbine locations. ORES clarified the regulations in § 900-2.11(a)(4) to require a representative set of borings at each mapped soil/bedrock type at the application stage, with a full geotechnical report to be submitted as a pre-construction compliance filing, as described in § 900-10.2(f)(6).

Regarding the assessment of terrestrial ecology, commenters expressed concern that the regulations are not adequately protective of bird and bat species migration routes and concentration areas. ORES revised § 900-2.12(d) to clarify that an applicant's assessment of potential adverse impacts to threatened and endangered species must include bird and bat species that are likely present at and will migrate through the facility site.

Several commenters recommended strengthening the regulations to protect agricultural resources. ORES recognizes the importance of conserving highly productive agricultural lands in New York State and § 900-2.16 requires a thorough assessment of the significant adverse impacts on important aspects of farmland and agricultural land uses. ORES relocated two provisions from § 900-2.16(b) to § 900-2.16(a), as these subsections require information that cannot be depicted on maps.

ORES received multiple comments regarding the applicability of local laws. While many commenters expressed concern regarding ORES's ability to waive compliance with local laws, that authority is specifically granted by the EL § 94-c. Commenters recommended the regulations conform to the "unreasonably burdensome" standard set forth in EL § 94-c, for which clarifications were adopted (§ 900-2.25(c)).

Commenters requested that §§ 900-2.26(a)-(b) include Indian Nation permits, consents, approvals, or licenses, which ORES has included.

Procedural Requirements

Comments were received suggesting that transfer applications should not be allowed, particularly prior to the adoption of the ORES regulations. Application transfers pursuant to § 900-3 are specifically authorized by EL § 94-c, including in advance of the promulgation of the implementing regulations. However, ORES has clarified to require that an applicant notify ORES 14 days in advance of submission of a transfer application, and pay the ORES fee for transfer applications to cover both the review and processing of an application (§§ 900-3.1(a), 900-3.2(a)(1) and 900-3.2(b)).

Many comments were received regarding the hearing process set forth in Subpart 900-8, including requests for clarification or procedural changes. Although ORES found that the regulations were sufficient in most instances, suggestions to conform the term "prospective parties" to "potential parties" in § 900-8.3 were adopted throughout § 900-8.3(b)(1) and in § 900-8.4(c)(5) for consistency.

Several comments were received requesting that the Cultural Resource Mitigation and Offset Plan include consultation with the appropriate Tribal Historic Preservation Officer for the Indian Nation. Noting that federal agencies are required to consult with Indian Nations pursuant to the Section 106 process, ORES has clarified § 900-10.2(g)(2) to require that the Plan may be required by a federal agency or by ORES in consultation with SHPO.

Commenters requested that ORES clarify the modification provision to include termination of permits in § 900-11.4. ORES agreed and clarified § 900-11.4 accordingly.

Materials Incorporated by Reference

ORES received limited comments on the various references included in the draft regulations. Based upon a review of the citations included in the draft regulations, ORES has removed certain references and added others in Subpart 900-15.

ORES reviewed all remaining comments and concluded that no further changes were warranted.

NOTICE OF ADOPTION

Uniform Standards and Conditions for Siting Permits for Major Renewable Energy Facilities Pursuant to Executive Law Section 94-c

I.D. No. DOS-37-20-00016-A
Filing No. 156
Filing Date: 2021-02-24
Effective Date: 2021-03-03

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Subpart 900-6 to Title 19 NYCRR.

Statutory authority: Executive Law, section 94-c(3)(b)

Subject: Uniform Standards and Conditions for siting permits for major renewable energy facilities pursuant to Executive Law Section 94-c.

Purpose: To establish uniform standards and conditions for siting, design, construction & operation of major renewable energy facilities.

Substance of final rule: In accordance with Executive Law (EL) Section 94-c(3)(b), the Office of Renewable Energy Siting (ORES or Office) is proposing a comprehensive set of uniform standards and conditions (USCs) for the siting, design, construction and operation of solar and land-based wind major renewable energy facilities, as that term is defined at EL Section 94-c(2)(h). Promulgation of the USCs is intended to put an applicant for a siting permit on notice of the conditions that would, as applicable, be required by the ORES in order for a proposed project to avoid, minimize or mitigate significant adverse environmental impacts. Following review of an application, the ORES would incorporate relevant USCs into a draft siting permit issued for public comment. The draft permit would be issued in accordance with the Siting Program Procedural Regulations, which are the subject of a separate rulemaking. If the ORES cannot prepare draft permit conditions based on the record, it will publish a Statement of Intent to Deny, subject to an adjudicatory hearing that may be requested by the applicant.

Proposed section 900-6.1 contains permit conditions that include the expiration date of an issued permit, the need for an applicant to obtain other approvals, and other conditions that specify the scope of the authorization contained in a permit issued by the Office, including the need for an applicant to receive a Notice to Proceed with Construction from the ORES.

Proposed section 900-6.2 specifies the notifications that would be required prior to construction, following construction and following restoration of the site.

Proposed section 900-6.3 provides general construction requirements related to compliance with local laws and federal requirements, as well as state and local coordination with respect to traffic issues.

Proposed section 900-6.4 includes permit conditions that specifically address environmental conditions related to facility construction and maintenance, and contains avoidance and mitigation measures that complement application requirements specified in the ORES' proposed rulemaking for the Siting Program Procedural Regulations. Permit conditions cover matters such as construction hours, monitoring requirements, air emissions, visual impacts, noise impacts, water quality protection, endangered and threatened species, wetlands, agricultural impacts and decommissioning.

Proposed section 900-6.5 contains permit conditions that address the operational phase of a major renewable energy facility.

Finally, proposed section 900-6.6 addresses decommissioning requirements, including financial assurance.

As stated above, the menu of permit conditions proposed in sections 900-6.1 through 900-6.5 are intended to complement the various plans that would be developed by an applicant in accordance with the procedural rules proposed by the ORES and serve as the means to implement compliance with such plans. Pursuant to EL Section 94-c, the ORES would develop site-specific conditions needed to implement specific avoidance, minimization and mitigation measures for any impacts for which USCs have not been developed, or to address a request by an applicant for a site-specific condition in lieu of a USC or application requirement.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 900-6.1(d)(3), (g), 900-6.2(a)(1), (c), 900-6.4(j)(2), (l)(1), (2), (m)(2), (n)(1)(iv), (2)(iv), (o)(2), (2)(i), (3)(ix), (6), (9), (p)(1), (s)(1)(i), (2)(i), 900-6.5(a)(1), (1)(ii), (iii), (iv), (4)(iv), (f)(2) and 900-6.6.

Text of rule and any required statements and analyses may be obtained from: Houtan Moaveni, Acting Executive Director, New York State Office of Renewable Energy Siting, Empire State Plaza, 240 State Street, P-1 South, J Dock, Albany, New York 12223, (518) 473-4590, email:houtan.moaveni@ores.ny.gov.

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Modification of the Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement that was published as a part of the Notice of Proposed Rule Making is unnecessary. The rule does not contain any substantial revisions, and non-substantial revisions to the rule text do not render the Regulatory Impact Statement inadequate or incomplete.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Office of Renewable Energy Siting (the Office or ORES) proposed the adoption of uniform standards and conditions at Subpart 900-6 of Chapter XVIII Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) on September 16, 2020. ORES proposed Subpart 900-6 as required by the Accelerated Renewable Energy Growth and Community Benefit Act (Act) and Executive Law (EL) § 94-c, which became effective on April 3, 2020.

In 2019, New York State enacted the Climate Leadership and Community Protection Act (CLCPA), landmark legislation that established nation-leading goals of fighting climate change by achieving 70% of statewide electrical generation from renewable energy sources by 2030, and reducing the statewide electrical demand system to zero emissions by the year 2040. The Act recognizes that the responsible and timely siting of major renewable energy facilities will be critical to realizing these goals, given the ability of these facilities to reduce carbon emissions.

EL § 94-c consolidates the environmental review and permitting of major renewable energy facilities and provides a single forum in which ORES may undertake a coordinated and timely review of such facilities to meet the State's renewable energy goals, while ensuring the protection of the environment and consideration of all pertinent social, economic, and environmental factors. The statute requires ORES to promulgate regulations to implement EL § 94-c within one year of its effective date.

Notice of Proposed Rule Making for Subpart 900-6 was published in the State Register on September 16, 2020. ORES accepted public comments from September 16, 2020 until December 7, 2020. The proposed regulations were posted on the Office's website at https://ores.ny.gov/regulations. Promulgation of these rules will effectuate the statute and complement the regulations in 19 NYCRR Subparts 900-1 through 900-5 and 900-7 through 900-15, which establish new siting program procedural regulations that will be utilized by ORES for review of siting permit applications for proposed major renewable energy facilities.

Public Engagement

EL § 94-c requires that ORES develop uniform standards and conditions (USCs) to avoid, minimize or mitigate potential adverse environmental impacts from the siting, design, construction and operation of a major renewable energy facility. Prior to the adoption of the USCs, ORES was required to hold four public hearings in different regions of the State to solicit comments from municipal, or political subdivisions, and the public on the proposed USCs.

ORES promoted public participation in this rulemaking process by following the safest, most protective and responsive course, in light of the global pandemic and in consideration of the Office's obligation to meet the statutory deadline to promulgate the regulations by April 3, 2021. ORES sought public comment on the draft USCs through seven public hearings. Due to concerns related to the pandemic (i.e., increasing rates of COVID-19 infection in Erie and Monroe Counties and the Governor's November 9, 2020 designation of those areas as "yellow zones"), ORES changed the format of its November 17th, 18th, and 19th hearings from in-person to virtual pursuant to Executive Orders (EOs) 202.1 and 202.15, extended by EO 202.72.

As a result of the Office's significant planning efforts, the five virtual public hearings that were held provided the public with meaningful opportunities to participate and comment on the proposed rulemaking safely. The virtual hearings were more widely attended than the two in-person hearings in Albany and Long Island. Participants without internet access were able to call in to register for and participate in the public hearings by telephone; translators and disability assistance were available upon request. Comments were also accepted via email, hard-copy mail, and an online public comment system on the Office's website.

ORES received oral comments from nearly 200 individuals during the public hearings and over 5,000 letters and emails containing comments and questions from various stakeholders. Many comment submissions raised distinct individualized issues, while many of the form letters, emails and mass mailings repeated similar concerns. Because many of the submissions commented on multiple different aspects of the proposed rules, ORES separated submissions by topic and grouped related comments

together. A copy of the full assessment of public comments is available on the ORES website.

After careful consideration of all comments received, ORES made several non-substantive changes to address the comments and to clarify the proposed USCs, as summarized below.

General Comments

ORES received several comments regarding the scope, intent and completeness of Subpart 900-6, including requests for revisions to incentivize developers to choose sites where environmental impacts are avoidable and/or will be consistent with community goals. Comments included questions regarding the applicability of the USCs, notification requirements, and specific concerns related to the regulatory process, natural resources and project design, as well as compliance issues and applicability of local laws.

ORES is required by EL §§ 94-c(3)(b) and (c) to develop USCs "designed to avoid or minimize, to the maximum extent practicable, any potential significant adverse environmental impacts related to the siting, design, construction and operation of a major renewable energy facility." Such USCs shall apply to those environmental impacts ORES "determines are common to each type of major renewable energy facility." Id. The proposed USCs would apply to solar and land-based wind facilities.

ORES developed USCs in close consultation with the New York State Department of Public Service, Department of Environmental Conservation, the Department of Agriculture and Markets, and the Office of Parks, Recreation & Historic Preservation. The USCs are intended to function as a list of permit conditions that will apply to land-based wind and solar facilities. Certain USCs set forth specific design criteria or construction requirements, while others require compliance with the project drawings and plans that were provided as part of the application exhibits or compliance filings. (Section 900-6.1(a)).

Promulgation of the USCs is intended to put an applicant for a siting permit on notice of the conditions that would, as applicable, be required by ORES to allow applicants to design their facilities in order to avoid and minimize environmental impacts. The USCs will limit the need for site-specific conditions by addressing in advance issues common to these facilities. Certain permit terms and conditions are inherently site-specific and not appropriately addressed by the USCs, and ORES retains the authority to issue site-specific conditions to address impacts unique to a particular facility, taking into account the CLCPA targets and the environmental benefits of the proposed project.

The draft permit or a statement of intent to deny would be issued for public comment in accordance with the procedural regulations, which are the subject of a separate rulemaking proceeding.

ORES conducted a review of the potential environmental impacts of the regulations pursuant to the State Environmental Quality Review Act (SEQRA) and completed an updated Short Environmental Assessment Form, Coastal Assessment Form and negative declaration, which are on file. Promulgation of the regulations does not include any direct approval of applications for the siting of major renewable energy facilities. Each siting permit application will undergo an individualized, site-specific review by ORES to ensure avoidance or minimization of adverse environmental impacts, to the maximum extent practicable.

EL § 94-c(6) excludes Article 8 of the Environmental Conservation Law from the list of approvals otherwise needed for a major renewable energy facility, and the regulations implement the intent of the statute to undertake a coordinated and timely review of proposed major renewable energy facilities to meet the state's renewable energy goals, while ensuring the protection of the environment and consideration of all pertinent social, economic, and environmental factors in the decision as to whether to permit such facilities.

The USCs were drafted in accordance with statutory requirements, and ORES determined that no substantive changes were warranted. However, several clarifications were made in response to questions and comments, as discussed below.

Specific Provisions

ORES received several comments concerning § 900-6.1, which requires a permittee to implement any impact avoidance, minimization and/or mitigation measures identified in the exhibits, compliance filings and/or contained in a specific plan required under Part 900, as approved by ORES. In addition, it sets forth USCs addressing the expiration date of an issued permit, the need for an applicant to obtain other approvals, and other conditions specifying the scope of authorization contained in a permit issued by ORES, including the requirement for an applicant to receive a Notice to Proceed with Construction from ORES. Based upon comments received, ORES clarified § 900-6.1(d)(3) to reference the "pertinent agency" (as opposed to "local agency") with respect to implementation of the New York State Uniform Fire Prevention and Building Code and agreed to remove the reference to "informational" documents from the pre-construction compliance filings that would be required following a Notice to Proceed with Site Preparation under § 900-6.1(g), as no such filings are required by the regulations.

ORES received several comments concerning the provisions of § 900-6.2, which specify the notifications that would be required prior to construction, following construction and following restoration of the site. ORES clarified that the required pre-construction notice required in § 900-6.2(a)(1) be provided to "all persons residing" within one (1) mile of a solar facility and five (5) miles of a wind facility, to conform to other notice provisions in the regulations. Additionally, ORES agreed to clarify § 900-6.2(c) to acknowledge that details related to construction schedule and transportation routes must be included only in the pre-construction notification.

ORES received several comments concerning § 900-6.4, which includes USCs that specifically address environmental conditions related to facility construction and maintenance and contains avoidance and mitigation measures that complement application requirements specified in the Office's rulemaking for the procedural regulations. The USCs include requirements related to notifications, facility construction and maintenance, construction hours, monitoring, air emissions, visual impacts, noise impacts, water quality protection, endangered and threatened species, wetlands, agricultural impacts and decommissioning. ORES considered these comments and, for the majority of them, determined that no changes were warranted in response.

However, multiple comments and questions were received regarding "de minimis" impacts to threatened or endangered grassland birds. One comment in particular requested clarification as to how the discovery of an active nest on a site during construction would affect a previous determination of de minimis impact to NYS threatened or endangered grassland bird species habitat. Revisions were made to § 900-6.4(o)(2)(i) to clarify that the discovery of an active nest prior to or during construction would require further consultation with the NYSDPS and the Office. In addition, in response to several questions regarding the mitigation ratios applied to impacts to threatened or endangered grassland bird habitat, text was added to clarify the basis for those ratios (§ 900-6.4(o)(3)(ix)).

ORES received several comments concerning § 900-6.5, which contains permit conditions that address the operational phase of a major renewable energy facility. Comments were received regarding allowable noise limits, required measurements, exceedances, complaint resolution and incident reporting. With respect to USCs for noise levels of wind facilities from all sources, commenters requested clarification as to the definition of prominent tones at § 900-6.5(a)(1)(ii), which ORES agreed to implement together with related clarifications at §§ 900-2.8(b)(1)(ii) and (b)(2)(iii).

ORES received several comments concerning § 900-6.6, which addresses decommissioning requirements, including financial assurance; however, ORES determined that no changes were necessary.

ORES reviewed all remaining comments and concluded that no changes were warranted.

Workers' Compensation Board

EMERGENCY RULE MAKING

Reimbursement for COVID-19 Testing

I.D. No. WCB-48-20-00002-E
Filing No. 138
Filing Date: 2021-02-12
Effective Date: 2021-02-12

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of section 329-1.3(d) to Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 117 and 141

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: This amendment is adopted as an emergency measure because the Board wants to provide reimbursement for COVID-19 testing when it is necessary because workers' compensation benefits are being sought due to work-place exposure to COVID-19, in order to confirm current presence of the COVID-19 virus.

Subject: Reimbursement for COVID-19 testing.

Purpose: To allow reimbursement for COVID testing when benefits sought due to work-place exposure to COVID-19.

Text of emergency rule: A new subdivision (d) of section 329-1.3 of Title 12 NYCRR is hereby added as follows:

(d) When workers' compensation benefits are sought due to a work-place exposure to COVID19, reimbursement for serological, molecular or other reliable testing to confirm a current COVID-19 viral infection may be made using CPT code 87635.

(1) The RVU for CPT code 87635 shall be 39.18, and the total fee for such test shall be 51.33 for Region IV, 47.41 for Region III, and 41.53 for Regions I and II.

(2) CPT code 87635 may only be billed when there is a claim for workers' compensation due to a COVID-19 infection as a result of a work-place exposure or when testing for COVID-19 is administered as part of a required pre-operative testing protocol in accordance with Department of Health guidance.

(3) CPT code 87635 may not be billed for routine screening of workers' compensation claimants for the presence of the COVID-19 virus.

(4) Antibody testing is not available under the Official New York Workers' Compensation Fee Schedule.

(5) CPT code 87635 may only be billed in one instance. Repeat testing is not permitted, except when clinical documentation supports a change or reoccurrence of symptoms, or a new exposure to the COVID-19 virus.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. WCB-48-20-00002-EP, Issue of December 2, 2020. The emergency rule will expire April 12, 2021.

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, Workers' Compensation Board, 328 State Street, Schenectady, NY 12305, (518) 486-9564, email: regulations@wcb.ny.gov

Regulatory Impact Statement

1. Statutory authority: Workers' Compensation Law (WCL) § 117(1) authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.

2. Legislative objectives: The emergency adoption allows reimbursement for COVID-19 testing when there is a claim for workers' compensation benefits due to work-place exposure to COVID-19.

3. Needs and benefits: To provide reimbursement for COVID-19 testing when it is necessary because workers' compensation benefits are being sought due to work-place exposure to COVID-19, in order to confirm current presence of the COVID-19 virus.

4. Costs: The emergency adoption is not expected to have a significant impact on costs, as reimbursement is limited to situations where the employee has had a work-place exposure to the virus.

5. Local government mandates: The proposed amendments do not impose any program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork: The emergency adoption requires authorized providers to use a CPT code to bill for COVID-19 testing as described above.

7. Duplication: The emergency adoption does not duplicate other regulatory initiatives.

8. Alternatives: An alternative would be to not file an emergency adoption addressing the reimbursement of COVID-19 testing, but without a confirmatory test, there would be no way of showing a workers' compensation claimant is currently infected with COVID-19 when benefits are sought due to workplace exposure.

9. Federal standards. There are no applicable Federal Standards.

10. Compliance schedule: The emergency adoption takes effect immediately upon filing but simply provides guidelines for use of a CPT code that may be used in limited circumstances to confirm COVID-19 infection when workers' compensation benefits are sought due to work-place exposure to COVID-19.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not required because the emergency adoption will not have any adverse economic impact or impose any new reporting, recordkeeping or other compliance requirements on small businesses or local governments. The emergency adoption allows authorized providers to be reimbursed for COVID-19 testing when workers' compensation benefits are sought due to work-place exposure to COVID-19.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not required because the emergency adoption will not have any impact rural areas. The emergency adoption allows authorized providers to be reimbursed for COVID-19 testing when workers' compensation benefits are sought due to work-place exposure to COVID-19.

Job Impact Statement

A Job Impact Statement is not required because the emergency adoption will not have any impact on jobs or employment opportunities. The emergency adoption allows authorized providers to be reimbursed for COVID-19 testing when workers' compensation benefits are sought due to work-place exposure to COVID-19.

Assessment of Public Comment

During the public comment period, the Board received one written comment.

The comment requested that the text of the regulation be changed to state that reimbursement at the fee schedule rate is allowable only when the COVID-19 test is positive, because health insurance should pay for negative tests. The Board has made no changes to this emergency adoption as a result of this comment, but will take into account this comment before making a decision on the permanent proposal published December 2, 2020.

NOTICE OF ADOPTION

Requesting Prior Approval for Medical Treatment and Care

I.D. No. WCB-42-20-00010-A

Filing No. 140

Filing Date: 2021-02-12

Effective Date: 2021-06-07

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 324.1, 324.2, 324.3, 324.4, 325-1.4 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 13-a, 117 and 141

Subject: Requesting prior approval for medical treatment and care.

Purpose: To implement an Internet portal-based submission and review process.

Substance of final rule: Section 324.1 of Title 12 NYCRR is amended to add definitions of "calendar day," "Carrier's Physician," "prior authorization," "prior authorization request" changed "medical arbitrator" to "Medical Director's Office," updated the definition of "denial, deny or denies," "review of records" to "Carrier's physicians' medical report," "treating medical provider" and updated the numbering.

Section 324.2 of Title 12 NYCRR is amended to add reference to how to provide medical care not included in the applicable Medical Treatment Guidelines and references the proposed changes to 12 NYCRR 324.3 and 324.4.

Section 324.3 of Title 12 NYCRR is amended to set forth an amended variance (prior authorization request) process and:

- to add a PAR process for certain special services, including lumbar fusions, artificial disc replacements, vertebroplasty, kyphoplasty, electrical bone stipulation, osteochondral autograft, autologous chondrocyte implantation, meniscal allograft transplantation, knee arthroplasty, spinal cord pain stimulators, and pain pumps, as well as requiring variances for second or subsequent surgical procedures if repeated because of the failure or incomplete success of the previous procedure, even if consistent with the guidelines.
- Also adds references self-insured employers and third-party administrators, and guidance for requirements to provide designated contact information, etc.
- Adds maintenance care guidance
- Adds guidance for a process when a PAR is denied

Section 324.4 of Title 12 NYCRR is amended to provide guidance for confirmation of consistency with MTGs, or medical necessity when there is no applicable MTG and providing information about designated contacts, and further information about PARs.

Section 325-1.4 of Title 12 NYCRR is amended to provide guidance in accordance with and to conform with the other proposed changes, including designated contacts.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 324.1, 324.3 and 324.4.

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, NYS Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady NY 12305, (518) 486-9564, email: regulations@wcb.ny.gov

Revised Regulatory Impact Statement

A revised Regulatory Impact Statement is not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Regulatory Flexibility Analysis and Rural Area Flexibility Analysis

A revised Regulatory Flexibility Analysis and Rural Area Flexibility Analysis are not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Job Impact Statement
The proposed regulation will not have any impact, adverse or otherwise, on jobs. The proposed amendments update the process for requesting prior approval for medical treatment and care to implement an internet portal-based submission and review process.

Initial Review of Rule
As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment
During the public comment period, the Board received approximately five unique written comments and received one comment after the public comment period ended.

The Board received a comment from an association opining that the proposed changes would negatively impact the ability to respond to denials of medical treatment and for objections to be adequately addressed in hearings. The proposal removes the burden from the claimant to make arguments about the clinical necessity of treatment, but there is a path to a hearing for the claimant if one is needed, so no change has been made in response to this comment.

Board received two comments opposing removing notification of the claimant's legal representative from notices of approval, denial, or partial denial. While these parties will no longer receive copies of the letters themselves, they will receive notification that something has changed, and they have system access. Therefore, no change has been made in response to this comment.

The Board received a comment from a law firm opining that the statement about job impacts from the Board is inaccurate, stating that because the proposed amendments would not allow for the use of medical professionals to review variance requests, many will become obsolete. While carrier physicians are required to review and sign off on a denial, the file may be reviewed or approved by other medical professionals, so the Board believes there is still a robust role for other medical professionals. The medical care for injured workers is the primary focus of this requirement and requiring review by a physician prior to denial of medical treatment is an important component of this regulation. Therefore, no change has been made in response to this comment.

This comment also opposed penalties in the proposal, opining that they disproportionately impact carriers, self-insured employers, and third-party administrators. These sections in the proposal make penalties explicit in the regulations that already exist or are implicit. Workers' Compensation Law 25(3)(e) provides for a $50 penalty if the employer or carrier fails to file a notice or report requested or required within the specified time frame (or 10 days if not specified). These penalties are rational, because a provider who has complied with the law and received an approval on a PAR should not be subject to an objection based on the approval, so no change has been made in response to this comment.

The comment also requested that the proposal be amended to allow carriers, self-insured employers, and third party administrators to argue that a treating provider did not meet the burden of proof without the need for a contrary medical opinion. The Board has not made a change in response to this comment – the proposal provides for a level 2 review in this situation, which includes denial by the carrier's physician.

One comment also opposed strict timeframes for filing an RFA-1 after a request for review of a denial or partial approval by the medical provider has been denied. The Board has removed this language to make it consistent with the other regulations regarding time restrictions for filing of an RFA-1.

The comment also opposed language stating that the Board may respond to such request for review by letter or referral to adjudication and requested clearer language. The Board has not made a change in response to this comment to maintain consistency with other existing regulations processes.

The Board received two comments opposed to allowing the Medical Director's Office to render decisions on requests for review of medical decisions filed by the medical provider when there has not been an IME, without an option for appeal or a hearing. One of the comments from a law firm also raised concerns about due process with the Medical Director's Office making decisions of this sort. Claimants maintain the right to seek review through adjudication if the claimant is dissatisfied with the decision of the Medical Director's Office. Carriers may preserve objections to causal relationship in the Level 1 denial of the PAR. Accordingly no change has been made as a result of this comment.

The Board received a comment from a society agreeing with the goal of the proposal, but disagreeing with excluding physician assistants from the proposal. This proposal did not change the current rules. Accordingly, no change has been made in response to this comment.

The Board received a comment from an attorney requesting that an objection due to burden of proof issues remain a level 1 denial only in the PAR system to allow the treating provider to resubmit the PAR with the burden of proof met. Because the determination as to whether a burden of proof has been met requires medical knowledge, a Carrier's physician review is needed to deny the request. It is noted that the portal by which PARs are submitted will indicate when necessary fields and information are missing thus providing medical providers with greater certainty when submitting a claim. Accordingly, no change has been made as a result of this comment.

The Board received a comment from an association supporting modernization of the prior approval process, but expressing concern that the proposal restricts the carrier's ability to handle several types of denials, especially ones that would be considered "administrative." The carrier's physician must make a substantive denial, but it may be part of the same denial – this prevents piecemeal denials, and because the Board believes this rule's merits outweigh any concerns, no change has been made in response to this comment.

This comment also recommended increasing the timeframe for carriers to obtain IMEs from 30 to 45 days. The 30-day timeframe has not changed from the existing rules with this proposal, and no change has been made in response to this comment.

The comment also requested clarification about whether a PAR is required for treatment that costs exactly $1,000. The Board has amended the language to make clear that a PAR is not required for treatment that costs exactly $1,000.

The Board received a comment from a law firm opposing the eight business day timeframe to respond to PARs. The Board believes that eight business days to respond to routine treatment consistent with the Medical Treatment Guidelines is appropriate, so no change has been made in response to this comment.

The Board received one comment after the public comment period closed. This comment highlighted some typographical errors, which the Board has fixed.

Changes made:

- Fixed typographical errors throughout
- Section 324.3(b)(2)(i)(a)(1) and (2) are combined into one paragraph: (1) In the event the PAR is submitted after the mandatory first report of injury pursuant to section 300.22(b) of this Chapter shall become due and no such report has been filed, the Board may issue an Order of the Chair granting the requested treatment.
- Make clarifying change removing timeline language for filing RFA-1s.
- Modified language to clarify that prior authorization is not required for treatment costing exactly $1,000.
- Removed references to May 1, 2021 deadline for contact designee compliance for clarity; will be explained thoroughly in Board communications.

NOTICE OF ADOPTION

DME Fee Schedule

I.D. No. WCB-42-20-00012-A
Filing No. 139
Filing Date: 2021-02-12
Effective Date: 2021-06-07

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 442.2; addition of sections 442.4 and 442.5 to Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 117 and 141

Subject: DME Fee Schedule.

Purpose: To replace the DME fee schedule, update fees, and create prior authorization process.

Substance of final rule: Section 442.2 of Title 12 NYCRR is amended to replace the DME Fee Schedule.

A new section 442.4 is added to add a Prior Authorization Process for Durable Medical Equipment:

442.4 Prior Authorization Process for Durable Medical Equipment

(a) When identified as requiring Prior Authorization in the Official New York State Durable Medical Equipment Fee Schedule incorporated by reference in section 442.2 herein, a medical provider must obtain Prior Authorization for the durable medical equipment.

1. For purposes of this section and section 442.5 herein, medical provider shall mean a physician, nurse practitioner, physician assistant, podiatrist, chiropractor, dentist, optometrist and audiologist.

2. The medical provider must obtain prior authorization before such durable medical equipment may be supplied to the claimant.

3. In the event of a medical emergency, requiring immediate use of durable medical equipment following an accident or injury, exacerbation of an earlier accident or injury or unanticipated results following surgery:

i. Such durable medical equipment may be dispensed without prior authorization.

ii. The medical provider shall submit the bill for the durable medical equipment together with a description of the emergency and justification of the need for the durable medical equipment together with submission of the CMS-1500.

iii. The carrier, self-insured employer or third-party administrator may deny payment for the durable medical equipment on the basis of medical necessity.

iv. Inappropriate identification of a need for emergency durable medical equipment by a medical provider, or inappropriate denial by a carrier, self-insured employer of third-party administrator, may result in imposition of penalties by the Board.

(b) When a durable medical equipment is not listed in the Official New York State Durable Medical Equipment Fee Schedule incorporated by reference in section 442.2 herein, a medical provider must obtain Prior Authorization for the durable medical equipment, including a purchase or rental price for such equipment. The medical provider must obtain prior authorization before such durable medical equipment may be supplied to the claimant.

(c) When the Chair identifies durable medical equipment by HCPCS code or purchase/rental price threshold as requiring prior authorization, such equipment shall require prior authorization before being supplied to the claimant.

(d) A medical provider may request prior authorization for any durable medical equipment listed on the Official New York State Durable Medical Equipment Fee Schedule. The carrier or self-insured employer may not object to payment for such durable medical equipment unless it has made a timely denial of the prior authorization request.

(e) When responsibility for payment is apportioned between more than one carrier or self-insured employer, the medical provider shall seek Prior Authorization from the primary carrier or self-insured employer on the claim (as identified by the Board). Approval by such carrier or self-insured employer shall be deemed approval by all responsible carriers or self-insured employers.

(f) Insurance carriers and self-insured employers shall provide the Chair or his or her designee in the manner prescribed by the Chair with the name and contact information for the point(s) of contact for Prior Authorization review. Such contact information shall include the contacts' email address(es).

1. If the designated point(s) of contact changes at any time for any reason, the insurance carrier or self-insured employer shall notify the Chair or his or her designee of such change in the manner prescribed by the Chair.

2. The list of designated points of contact for each insurance carrier and self-insured employer shall be maintained by the Board electronically. When a treating medical provider submits a Prior Authorization request electronically, he or she shall be directed to the appropriate contact person. Any change in the designated contact shall not be effective until the carrier, self-insured employer or third-party administrator has updated the designated contact information in the Board's electronic records.

3. In the event that a carrier or self-insured employer fails to provide the Chair or his or her designee with such name and contact information (in the manner prescribed) within six months of the effective date of this Subpart, or provides incorrect or incomplete contact information during initial registration or when updating pursuant to subparagraph (1) of this subdivision, such carrier may be subject to:

i. Orders of the Chair approving Prior Authorizations submitted during such time when the name and contact information is missing, incomplete or incorrect; and

ii. Penalties issued pursuant to section 114-a (3) of the Workers' Compensation Law for every case, where Prior Authorization was requested.

(g) To initiate the Prior Authorization process, the medical provider shall submit a request for Prior Authorization to the insurance carrier, self-insured employer, or third-party administrator to the designated contact as described in subdivision (d) herein. Such request shall be submitted in the manner prescribed by the Chair.

1. The carrier, self-insured employer, or third-party administrator shall approve, partially approve or deny a Prior Authorization request within four calendar days of submission by a provider. The carrier, self-insured employer or third-party administrator shall send the claimant notice of the approval, partial approval or denial of the prior authorization request. Failure to send the claimant such notice may result in penalties under section 25(3)(e), for failure to file a required report with the Board, and section 13-a (6)(a) of the Workers' Compensation Law.

i. A partial approval means the carrier, self-insured employer or third-party administrator: (A) authorizes durable medical equipment with a different HCPCS code than was requested; or, (B) when a rental was requested, authorizes rental of the requested durable medical equipment for less than the requested duration; or (C) authorizes durable medical equipment not listed on the Official New York State Durable Medical Equipment Fee Schedule at a lesser purchase price than requested by the medical provider; or when the carrier approves rental of durable medical equipment instead of purchase of such equipment.

ii. A request for Prior Authorization that is not responded to within four calendar days (by an approval, denial or partial approval) may be approved upon issuance of an Order of the Chair and the carrier, self-insured employer or third-party administrator shall be subject to a penalty pursuant to section 25(3)(e) of the Workers' Compensation Law. A carrier may not object to payment in accordance with section 325-1.25 of this Chapter for Durable Medical Equipment approved by an Order of the Chair and any such objection or non-payment may be subject to penalties pursuant to section 114-a (3) of the Workers' Compensation Law.

iii. If the insurance carrier, self-insured employer or third-party administrator concedes the medical necessity of the medical care, it may approve the durable medical equipment prior authorization request without liability, only if the case has been controverted in accordance with section 300.22 (b)(1)(ii) or (c)(1) of this Chapter, or the durable medical equipment is for a body part or condition that has not been accepted by the insurance carrier, self-insured employer or third-party administrator or established by the Board.

iv. In the event the prior authorization request is submitted prior to creation of a workers' compensation case by the Board in accordance with 300.37(a) of this Chapter, the prior authorization request will be promptly reviewed by the Board to identify the proper carrier, self-insured employer or third-party administrator. Upon such identification, the prior authorization request will be directed by the Board to the proper carrier, self-insured employer, or third-party administrator, who shall have 4 calendar days to approve, partially approve or deny the request. In the event the prior authorization request is submitted after creation of a workers' compensation case by the Board in accordance with 300.37(a) of this Chapter but prior to filing the mandatory first report of injury pursuant to section 300.22(b) of this Chapter that identifies a third-party administrator responsible for handling the claim, the request may be directed to a third-party administrator that has been designated by the carrier or self-insured employer as handling all or a portion of its workers' compensation claims and identified by the Board as the third-party administrator where such requests will be directed. Such third-party administrator shall have 4 calendar days to approve, partially approve or deny the request. In the event the prior authorization request is submitted after the mandatory first report of injury pursuant to section 300.22(b) of this Chapter shall become due and no such report has been filed, the Board may issue an Order of the Chair or Notice of Resolution granting the requested treatment.

2. A partial approval or denial of a request for Prior Authorization must:

i. Be issued by the Carrier's Physician (defined in subdivision (g) of section 441.1 of this Subchapter) unless: (A) such request is for durable medical equipment that is the subject of an earlier prior authorization request that has been denied or has not yet been acted upon; (B) such request for durable medical equipment for a case that is closed, disallowed or cancelled, settled via section 32 of the Workers' Compensation Law, or controverted in accordance with section 300.22 (b)(1)(ii) or (c)(1) of this Chapter. Such prior authorization requests for durable medical equipment may be denied without review by the Carrier's Physician;

ii. Provide a specific reason for the denial or partial approval with reference to the specific Prior Authorization request made by the medical provider;

iii. When the partial approval reduces the durable medical equipment price requested by the medical provider, the partial approval must: (A) identify two sources of the adjusted price, including the address and phone number of the source, and the reason for such adjustment; and, (B) the durable medical equipment must be available at a supplier located within 15 miles of the claimant's place of residence or employment if the claimant resides in a rural area as that term is defined in section 440.2 of this chapter, or within five miles of the claimant's place of residence or employment if the claimant resides in a municipality which is an incorporated city or village having a population of 2,500 or more, or the durable medical equipment must be delivered to the claimant's residence; and (C) such durable medical equipment must be delivered or supplied completely assembled and useable without further fittings within 48 hours.

iv. Provide information regarding how to request review of the denial from the Board's Medical Director's Office.

3. Unless the insurance carrier, self-insured employer or third-party administrator has properly denied, or granted as to medical necessity but withheld liability for the claim, the carrier may not thereafter object to payment for such durable medical equipment at the fee schedule rate and any such objections will be rejected by the Board and applicable penalties imposed.

(h) All communications regarding Prior Authorization, including communications pursuant to sections 442.4 and 442.5 of this Part, shall be by the means of electronic delivery the Chair has designated for this purpose.

A new section 442.5 is added to provide for review by the Board of a Prior Authorization Denial.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 442.2, 442.4 and 442.5.

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, NYS Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady NY 12305, (518) 486-9564, email: regulations@wcb.ny.gov

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis are not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Job Impact Statement

The proposed regulation will not have any impact, adverse or otherwise, on jobs. The proposed amendments establish fees for durable medical equipment and establishes a prior authorization process.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

During the public comment period, the Board received approximately 18 unique written comments.

The Board received a comment from two groups recommending the addition of a sentence to the proposed introduction that states "Medically Necessary DME must be rendered consistent with the applicable Medical Treatment Guideline, DME Ground Rule, and Section 442 of Title 12 NYCRR." The Board believes that this information already exists in the regulation, and will further address in a Subject Number, so no change has been made in response to this comment.

The Board received several comments expressing concern that the approval process to become a Medicaid enrolled provider is lengthy (nine months to a year) and that compliance by the proposed effective date would be impossible and requesting clarification about this requirement. In response to these comments, the Board has changed the timeline for compliance with this requirement to six months from the effective date of the regulation to allow ample time for compliance.

The Board received a comment from a company and two groups requesting clarification about whether the licensure requirements for the DME provider apply to the rendering provider or the billing provider, or both, and whether the requirement is as a NYS Medicaid DME Supplier ID or other NYS Medicaid ID. The requirement applies to the supplier of DME, not the prescribing or billing provider. Therefore, no change has been made in response to these comments.

The Board also received a comment from a company requesting clarification as to whether the proposal also applies to supplies who provide DME through drop shipping or other distribution models. Yes- the proposed regulation does not contain an exception for drop shipping or other distribution models, so no change has been made in response to this comment.

The Board also received a comment from two groups requesting clarification about whether the Board intends to eliminate invoice-based billing and require all providers to bill in accordance with the new DME fee schedule. Yes – this is not a change from existing framework in the WCB system – the proposal contains a new fee schedule, so billing must be done in accordance with an existing fee schedule. No change has been made in response to this comment.

The Board received a comment requesting clarification or confirmation that DME provided on an emergent basis does not require the medical provider to obtain and maintain a NYS Medicaid DME Supplier ID. The regulation has been changed to provide an exception for emergent care.

One comment from a group objected to the requirement that DME suppliers become certified as NYS Medicaid Enrolled suppliers at all and opined that this is arbitrary and capricious and the impact statements do not reflect this. The Board believes this proposal is not arbitrary and capricious, because the Board is vested with responsibility to ensure that injured workers receive high-quality care. The requirement creates a reasonable benchmark to ensure a level of expertise in caring for injured workers. Accordingly, no change has been made in response to this comment.

The Board received a comment from an insurance company supporting the requirement that DME suppliers become NYS Medical Enrolled Suppliers, but also mentioned supporting its applicability (and other provisions) to no-fault. The Board does not have jurisdiction over No-Fault and therefore may not make statements as to the applicability of any of its rules to the No-Fault system. Any questions about the fee schedules' applicability to the No-Fault system should be directed to the NYS Department of Financial Services.

The Board received a comment from a New Jersey based DME provider expressing concern about the requirement to become an enrolled provider because they would be required to have a location in New York State and currently do not. While in most instances Medicaid enrollment does require that the business have a New York location, the Board maintains that the benefit of ensuring the benchmark of Medicaid enrollment is an important criteria and has made no change in response to this comment.

The Board received a comment from an insurance company requesting that there be no exceptions to the requirement that suppliers of DME be enrolled in the NYS Medicaid program. Because there are no exceptions in the proposal, no change has been made in response to this comment.

The Board received a comment from an attorney opining that the proposal will make it unfeasible for many DME providers to stay in business and affect low income New Yorkers. Because the comment did not provide any particular concerns and reasoning for why they believe this will be the case, and it is unclear how the proposal will drive business out of NYS, no change has been made in response to this comment.

The Board received two comments expressing concern with reimbursement rates CPM machine pads. The HCPCS code descriptions available for a CPM do not include the pads, and the Board recommends using A9999 Miscellaneous DME supply or accessory, not otherwise specified to be used to bill separately for the CPM pads only due to the wide variety and cost of CPM pads. Accordingly, no change has been made.

The board received several comments regarding the per-week rental pricing of DME. Two opposed the proposal because they believe the pricing is too low and one supported the proposal. The Board has made no change as a result of these comments but notes that the fee schedule may be adjusted should issue with pricing be identified.

The Board received a comment from a law firm expressing concern about the proposed DME fee schedule and its effects on No-Fault insurance policies. The Board does not have jurisdiction over No-Fault and therefore may not make statements as to the applicability of any of its rules to the No-Fault system, so no change has been made in response to this comment. Any questions about the fee schedules' applicability to the No-Fault system should be directed to the NYS Department of Financial Services.

The Board received several comments opining that the proposed changes would negatively impact the for PAR requests to be adequately addressed in hearings. The proposal provides for three levels of review and for the claimant to have the ability to request further action in the event they disagree with the ultimate decision of the Medical Director's Office. Accordingly, there is adequate protection in place and no change has been made as a result of this comment.

The comment also opposed removing notification of the claimant's legal representative from notices of approval, denial, or partial denial. Claimants attorneys have the ability to receive email notifications of actions taken in the portal Accordingly, no change has been made a result of this comment.

The Board received a comment from an insurance company supporting the fixed fee amounts for rental of CPM devices, but also recommending including a purchase price for EO036 since the proposed amendments limit the amount of reimbursable rental charges to the purchase price of the item. Because these machines are only for limited durational use, and because the Board recommends using A9999 Miscellaneous DME supply or accessory, not otherwise specified to be used to bill separately for the CPM pads only due to the wide variety and cost of CPM pads, no change has been made in response to this comment.

The Board received a comment objecting to the fee schedule changes that would be incorporated by reference in general. Because the proposed DME fee schedule to be incorporated by reference was posted on the Board's website along with the proposed regulation language and open for public comment along with the proposed regulation text incorporating the fee schedule by reference, no change has been made in response to this comment.

The Board received a comment from an association recommending that the proposal be amended to state that the average of the two rates should be permitted in the case of a partial approval that reduces the DME price (two sources of the adjusted price, identifying differing rates). Because the regulation requires the carrier to supply a source for the requested DME in these situations at the price provided, no change has been made as a result of this comment.

A comment also requested that the timeframe for carriers to respond to requests for authorization of DME be extended to 10 days. When DME is medically necessary for a claimant, and because the evaluation of the requested DME is relatively straightforward, no change has been made as a result of this comment.

The comment also requested the proposal be amended to be clear about whether and when penalties may be issued, and that burdens on carriers be eased throughout the proposal. As the Board maintains that available penalties are clearly listed and that the proposal is not burdensome on carriers, no change has been made as a result of this comment.

The Board received a comment from an insurance company requesting that DME be prescribed on an official NYS issued prescription form, mirroring 10 NYCRR 910.2. As this is not required under New York State law, no change has been made as a result of this comment.

The Board received a comment from an insurance company agreeing with the prior authorization requirement for some DME items, but that the rules should be extended to no fault. The Board does not have jurisdiction over No-Fault and therefore may not make statements as to the applicability of any of its rules to the No-Fault system, so no change has been made in response to this comment. Any questions about the fee schedules' applicability to the No-Fault system should be directed to the NYS Department of Financial Services.

Changes made:

- Fixed typographical errors
- Added language providing for home delivery
- Changed the timeline for compliance with this requirement to six months from the effective date of the regulation
- provide an exception for emergent care
- removed reference to contact designee deadline for clarity; will be explained thoroughly through Board communication

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-03-21-00010-P	Application of Site-Specific Criteria to Class I and Class SD Waters	Electronic webinar—March 23, 2021, 2:00 p.m. Instructions on how to "join" the hearing webinar and provide an oral statement will be posted on the Department's events calendar and proposed regulations webpage by Wednesday, January 20, 2021. Department's events calendar may be accessed at: https://www.dec.ny.gov/calendar/. The proposed regulations webpage for 6 NYCRR § 703.4 may be accessed at: https://www.dec.ny.gov/regulations/121933.html Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the 703.4 public comment hearing. The Department will provide interpreter services for hearing impaired persons at no charge upon written request submitted no later than March 9, 2021. The written request must be addressed to ALJ McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ McBride at ohms@dec.ny.gov.
ENV-04-21-00007-P	Chlorpyrifos Prohibition	Electronic webinar—March 30, 2021, 6:00 p.m. Instructions on how to "join" the hearing webinar and how to provide an oral statement may be accessed at the proposed regulations webpage for Part 326, available at: https://www.dec.ny.gov/chemical/121988.html. Instructions will also be available on the Department's events calendar at: https://www.dec.ny.gov/calendar/ Persons who wish to receive the instructions by mail or telephone may call DEC at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 326 public comment hearing. Interpreter services for hearing impaired persons or persons with limited English proficiency will be provided at no charge upon written request submitted no later than March 16, 2021. The written request must be addressed to ALJ Sherman, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Sherman at ohms@dec.ny.gov.
ENV-04-21-00008-P	Food Donation and Food Scraps Recycling	Electronic webinar—April 7, 2021, 1:00 p.m. and 6:00 p.m. Instructions on how to "join" the hearing webinar and how to provide an oral statement may be accessed at the proposed regulations webpage for the Department, available at: https://www.dec.ny.gov/regulations/propregulations.html#public. Instructions will also be available on the Department's events

		calendar at: https://www.dec.ny.gov/calendar/ Persons who wish to receive the instructions by mail or telephone may call DEC at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 350 public comment hearing. Interpreter services for hearing impaired persons or persons with limited English proficiency will be provided at no charge upon written request submitted no later than March 24, 2021. The written request must be addressed to ALJ Caruso, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Caruso at ohms@dec.ny.gov.
Public Service Commission		
PSC-02-21-00006-P	Disposition of a Sales Tax Refund Received by New York American Water, Inc.	The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website (www.dps.ny.gov) under Case 20-W-0654— April 19, 2021, 10:00 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-W-0654.
PSC-06-21-00009-P	Disposition of a Property Tax Refund Received by New York American Water, Inc.	The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website (www.dps.ny.gov) under Case 21-W-0060— April 19, 2021, 10:00 a.m.* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 21-W-0060.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	**01**	**12**	**00001**	**P**

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action

AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-12-20-00006-P	04/29/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-28-20-00013-P	07/15/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
ASA-28-20-00016-P	07/15/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation

CHILDREN AND FAMILY SERVICES, OFFICE OF

*CFS-46-19-00002-RP	04/29/21	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
*CFS-04-20-00009-P	04/29/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-46-20-00001-P	11/18/21	Amendment to community guardian program regarding who can complete the annual evaluation or examination	Amendment to community guardian program regarding who can complete the annual evaluation or examination
CFS-49-20-00006-EP	12/09/21	Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.	Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.
CFS-51-20-00003-P	12/23/21	Outlining the procedures for requesting and conducting criminal history disqualification reviews	Outlining the procedures for requesting and conducting criminal history disqualification reviews

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-03-21-00004-P	01/20/22	Implement rules re: release of original birth certificate or related identifying info. to adult adopted & other specific persons	Implement rules re: release of original birth certificate or related identifying info. to adult adopted & other specific persons
CIVIL SERVICE, DEPARTMENT OF			
*CVS-03-20-00003-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-03-20-00004-P	04/29/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-03-20-00005-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-03-20-00006-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-03-20-00007-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
*CVS-06-20-00001-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-06-20-00002-P	04/29/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-06-20-00003-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-06-20-00004-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-06-20-00005-P	04/29/21	Jurisdictional Classification	To delete positions from the non-competitive class
*CVS-06-20-00006-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-06-20-00007-P	04/29/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
*CVS-06-20-00008-P	04/29/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-13-20-00002-P	04/29/21	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020
CVS-13-20-00009-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00010-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00011-P	04/29/21	Jurisdictional Classification	To delete positions from the exempt class
CVS-13-20-00012-P	04/29/21	Jurisdictional Classification	To delete positions from the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-13-20-00013-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00014-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00015-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-13-20-00016-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00017-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00018-P	04/29/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/29/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/29/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/29/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-20-00008-P	05/06/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-18-20-00009-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00010-P	05/06/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-24-20-00002-P	06/17/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00009-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00010-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00004-P	07/15/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	07/15/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	07/15/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-28-20-00011-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00012-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-20-00003-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00004-P	08/12/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes
CVS-32-20-00005-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00006-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-41-20-00002-P	10/14/21	Jurisdictional Classification	To delete positions from and to classify a subheading and positions in the exempt class
CVS-41-20-00003-P	10/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-20-00004-P	10/14/21	Jurisdictional Classification	To classify a position in the non-competitive class

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CIVIL SERVICE, DEPARTMENT OF			
CVS-41-20-00005-P	10/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-20-00006-P	10/14/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-41-20-00007-P	10/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-49-20-00002-P	12/09/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-20-00003-P	12/09/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class.
CVS-49-20-00004-P	12/09/21	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-20-00005-P	12/09/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-02-21-00001-P	01/13/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-02-21-00002-P	01/13/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-02-21-00003-P	01/13/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-21-00001-P	02/10/22	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to classify positions in the non-competitive class
CVS-06-21-00002-P	02/10/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-21-00003-P	02/10/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-06-21-00004-P	02/10/22	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-21-00005-P	02/10/22	Jurisdictional Classification	To classify a position in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-04-21-00002-P	01/27/22	Ratio of toilet, sink, shower per youth in Specialized Secured Detention Facility for Older Youth	Amend the ratio of toilet, sink, and shower to coincide with Office of Children and Family Services regulations
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-34-20-00001-P	08/26/21	Family Reunion Program	To clarify for logic and consistency, and make additional changes to the current Family Reunion Program
CRIMINAL JUSTICE SERVICES, DIVISION OF			
*CJS-30-19-00010-ERP	04/29/21	Use of Force	Set forth use of force reporting and recordkeeping procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-44-20-00002-P	11/04/21	Intake for Article 7 (PINS)	Update existing Rule to reflect services which will be performed by Probation departments
CJS-03-21-00005-P	01/20/22	Familial Search Policy and Unidentified Human Remains	Add unidentified human remains to familial searching for identification where the remains are those of a victim of a crime
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-48-20-00001-P	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	04/29/21	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
*EDU-27-19-00010-P	04/29/21	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-11-20-00013-RP	04/29/21	Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures	To address volume of special education due process complaints in the New York City due process system
EDU-20-20-00008-ERP	05/20/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-30-20-00005-RP	07/29/21	Creating a Safety Net for the School Building Leader Assessment	To create a safety net for the School Building Leader Assessment
EDU-48-20-00003-P	12/02/21	Regional Bibliographic Data Bases and Interlibrary Resources Sharing Program	Update and clarify certain terminology related to the use of technology in libraries and to reflect new technologies.
EDU-52-20-00018-EP	12/30/21	Addressing the COVID-19 crisis	To address issues resulting from the COVID-19 crisis and to provide regulatory flexibility due to the COVID-19 crisis
EDU-52-20-00019-P	12/30/21	Requirements for Awarding the NYS Seal of Biliteracy	To update the requirements for awarding the NYS Seal of Biliteracy
EDU-52-20-00020-P	12/30/21	Content Core Requirement in Computer Science Teacher Preparation Programs	To make the content core requirement for the Computer Science certificate aligned with the NYS Computer Science Standards
EDU-52-20-00021-P	12/30/21	Conferral of the Degree of Doctor of Medicine (M.D.) by the Board of Regents	To conform the law with the statutory requirements for issuance of an M.D. to foreign-educated applicants
EDU-52-20-00022-P	12/30/21	Implementation of the Crown Act	To implement Chapter 95 of the Laws of 2019, known as the Crown Act
EDU-52-20-00023-EP	12/30/21	Instruction to prevent child sexual exploitation and child sexual abuse in grades K-8	Implementation of chapter 187 of the Laws of 2019

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-52-20-00024-P	12/30/21	Uniform Violent or Disruptive Incident Reporting (VADIR) System, Also Known as the School Safety and Educational Climate Report	Update the definitions of violent and disruptive incidents for purposes of the VADIR and update the School Violence Index
EDU-01-21-00002-EP	01/06/22	Addressing the COVID-19 crisis and planning for the reopening of schools	To provide regulatory flexibility due to the COVID-19 crisis and to plan for the reopening of schools
EDU-04-21-00009-EP	01/27/22	Designation of the Executive Deputy Commissioner as the Deputy Commissioner of Education as specified in Education Law § 101	To conform the Regents Rules to changes in the internal organization of the State Education Department
EDU-04-21-00010-P	01/27/22	The licensure of registered pharmacy technicians	To implement the provisions of Chapter 414 of the Laws of 2019 relating to the licensure of registered pharmacy technicians
EDU-08-21-00001-EP	02/24/22	Providing Flexibility Relating to Higher Education Regulatory Requirements in Response to the COVID-19 Crisis	To provide flexibility for certain higher education related regulatory requirements in response to the COVID-19 crisis
EDU-08-21-00002-P	02/24/22	The Definition of the Term “University”	To clarify and broaden the definition of the term “university”
ELECTIONS, STATE BOARD OF			
SBE-06-21-00015-EP	02/10/22	Related to establishing a cure process for absentee ballots	Establishes a cure process for absentee ballots
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
*ENV-37-19-00003-RP	04/01/21	Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations	To improve the review of projects by removing some project types that are known not to cause harm from the review stream
ENV-33-20-00005-P	08/19/21	Repeal of Section 485.1	To remove outdated and redundant references in the Department’s regulations
ENV-47-20-00004-P	11/25/21	Inland trout stream fishing regulations	To revise and standardize inland trout stream fishing regulations
ENV-47-20-00005-P	11/25/21	Sportfishing (freshwater) and associated activities	To revise and simplify sportfishing regulations and associated activities
ENV-01-21-00003-P	01/06/22	Regulations governing recreational fishing for striped bass	To require circle hooks when fishing recreationally for striped bass using bait
ENV-03-21-00010-P	03/23/22	Application of Site-Specific Criteria to Class I and Class SD Waters	Add site-specific criteria to Class I and SD waters to provide additional water quality protection of the existing best uses
ENV-04-21-00007-P	03/30/22	Chlorpyrifos prohibition	Prohibit distribution, sale, purchase, possession, or use of pesticides that contain the active ingredient chlorpyrifos
ENV-04-21-00008-P	04/07/22	Food Donation and Food Scraps Recycling	Required by Title 22 of Article 27, the rule increases food donation and the recycling of food scraps through composting

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liabilty Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-43-19-00017-P	04/29/21	Independent Dispute Resolution for Emergency Services and Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-36-20-00007-P	09/09/21	Superintendent's Regulations: Information Subject to Confidential Treatment	Provide rules concerning publication or disclosure of information subject to confidential treatment
DFS-45-20-00007-P	11/10/21	Office of Pharmacy Benefits	To establish the Office of Pharmacy Benefits and rules for the Drug Accountability Board
DFS-49-20-00011-P	12/09/21	Credit for Reinsurance	To conform to covered agreements entered into between the US and EU and the US and UK, and implement NAIC models.
DFS-52-20-00001-P	12/30/21	Principle-Based Reserving	To prescribe minimum principle-based valuation standards
DFS-09-21-00010-P	03/03/22	Notice to Employees Concerning Termination of Group and Health Insurance Policies, etc.	To make technical changes; comport with statutes; update office addresses; correct citations; etc.
GAMING COMMISSION, NEW YORK STATE			
SGC-34-20-00009-P	08/26/21	Qualification time in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-50-20-00006-P	12/16/21	Participation in the management and operation of charitable games of chance	To maintain integrity and accountability in the management and operation of games of chance
SGC-50-20-00007-P	12/16/21	Contactless payment methods for chances in charitable gaming	To promote public health and support of organizations authorized to operate games of chance
SGC-09-21-00011-P	03/03/22	Restrictions on clenbuterol use in Thoroughbred racing.	To improve integrity, health and safety of Thoroughbred horse racing.
SGC-09-21-00012-P	03/03/22	Thresholds for controlled therapeutic medications in horse racing	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-09-21-00013-P	03/03/22	Casino table game rules	To set forth the practices and procedures for the conduct and operation of table games.
SGC-09-21-00014-P	03/03/22	Lasix administrations on race day	To enhance the safety and integrity of pari-mutuel racing
SGC-09-21-00015-P	03/03/22	Regulation of bingo.	To conform bingo rules to current statutes, including allowing payment for bingo opportunity by check.

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HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-36-19-00006-P	04/29/21	Limits on Executive Compensation	Removes “Soft Cap” prohibition on covered executive salaries.
*HLT-40-19-00004-P	04/29/21	Drug Take Back	To implement the State’s drug take back program to provide for the safe disposal of drugs
*HLT-46-19-00003-P	04/29/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-47-19-00008-P	04/29/21	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
*HLT-51-19-00001-P	04/29/21	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
*HLT-04-20-00003-P	04/29/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
*HLT-04-20-00011-P	04/29/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
HLT-11-20-00003-P	04/29/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
HLT-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-28-20-00019-RP	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-38-20-00006-P	09/23/21	Medicaid Transportation Program	Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model
HLT-38-20-00008-ERP	09/23/21	Revise Requirements for Collection of Blood Components	To facilitate the availability of human blood components while maintaining safety
HLT-45-20-00002-P	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HLT-05-21-00011-P	02/03/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-06-21-00006-P	02/10/22	Name Change for the Physically Handicapped Children's Program (PHCP)	To change the name of the PHCP to Children and Youth with Special Health Care Needs Support Services Programs
HLT-07-21-00012-P	02/17/22	Rate Setting for Residential Habilitation in Community Residences and for Non-State Providers of Day Habilitation	To amend rate methodologies limiting payments to IRA providers to conform to provisions in approved waiver
HLT-09-21-00009-EP	03/03/22	Surrogacy Programs and Assisted Reproduction Service Providers	To license and regulate surrogacy programs
HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF			
HES-08-21-00007-P	02/24/22	Minimum qualifications for certain fire chiefs	Minimum qualifications for fire chiefs subject to Civil Service Law Section 58-a and General Municipal Law section 204-dd
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
*HCR-21-19-00019-P	04/29/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation o flow-income housing tax credits.
HOUSING FINANCE AGENCY			
*HFA-21-19-00020-P	04/29/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
LABOR, DEPARTMENT OF			
*LAB-46-19-00004-P	04/01/21	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAB-49-20-00012-P	12/09/21	Sick Leave Requirements	To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law
LAB-05-21-00003-EP	02/03/22	Unemployment Insurance (UI) definition of "day of total unemployment"	To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent
LAKE GEORGE PARK COMMISSION			
LGP-29-20-00006-P	09/22/21	Amendment of Stormwater Regulations within the Lake George Park	To more adequately control and minimize the pollutants found in stormwater runoff from going into Lake George
LGP-43-20-00005-P	01/12/22	Stream corridor protection regulations for the Lake George Park	To establish permit requirements and standards for the protection of stream corridors in the Lake George Park
LAW, DEPARTMENT OF			
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LONG ISLAND RAILROAD COMPANY			
LIR-39-20-00005-ERP	09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-39-20-00007-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
MENTAL HEALTH, OFFICE OF			
OMH-42-20-00011-EP	10/21/21	Comprehensive Psychiatric Emergency Programs	To provide clarify and provide uniformity relating to CPEPs and to implement Chapter 58 of the Laws of 2020
OMH-09-21-00001-EP	03/03/22	Redesigning Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement Chapter 58 of the Laws of 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
METRO-NORTH COMMUTER RAILROAD			
MCR-39-20-00004-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
METROPOLITAN TRANSPORTATION AGENCY			
MTA-39-20-00009-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
NEW YORK CITY TRANSIT AUTHORITY			
NTA-39-20-00006-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-03-21-00003-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-39-20-00023-P	09/30/21	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc	To amend procurement guidelines to reflect changes in law and clarifying language
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-04-21-00005-P	01/27/22	Fees and charges for the use of State parks, parkways, historic sites and recreational facilities	To repeal outdated fees and charges that are not required to be posted in regulation
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-37-20-00004-ERP	09/16/21	Day Habilitation Duration	to help providers maintain capacity to operate during the public health emergency

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-02-21-00005-EP	01/13/22	Medical Consent	To assist providers in administering the COVID-19 vaccine
PDD-04-21-00001-P	01/27/22	Annual Prevocational Assessment	To allow such assessments to be conducted at a location specified by OPWDD
PDD-04-21-00006-P	01/27/22	Medication regimen review	Make technical corrections to align with current regulation allowing for an annual medication regimen review or more frequently
PDD-07-21-00003-P	02/17/22	Reimbursement of waiver services	To conform OPWDD waiver services to the federally approved waiver agreement
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-05-00009-P	exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00023-P	exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-07-00022-P	exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-08-00007-P	exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	exempt	Annual Reconcilliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-08-00018-P	exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-09-00014-P	exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commerical accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-09-00007-P	exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	exempt	Modifications to the $5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income $5 Bill Credit Program
*PSC-39-09-00018-P	exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-09-00008-P	exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to $50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-10-00009-P	exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	exempt	Approval of a contract for $250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of $250,000 for tank repairs
*PSC-34-10-00006-P	exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	exempt	The proposed transfer of 55.42 acres of land and $1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and $1.4 million of revenues derived from the rendition of public service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-11-00005-P	exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	exempt	Water rates and charges	To approve an increase in annual revenues by about $25,266 or 50%
*PSC-26-11-00009-P	exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	exempt	Petition requesting the Commssion reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-11-00012-P	exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than $100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-12-00013-P	exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-13-00007-P	exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-13-00027-P	exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-13-00012-P	exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	exempt	To enter into a loan agreement with the banks for up to an amount of $94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-14-00013-P	exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00004-P	exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-14-00014-P	exempt	Considering the recommendations contained in Staff' s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of $2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of $2.75 million
*PSC-18-15-00005-P	exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-15-00008-P	exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00007-P	exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	exempt	Continued deferral of approximately $16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately $16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-16-00026-P	exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-17-00004-P	exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payour losses incurred in 2016.
*PSC-20-17-00008-P	exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-17-00011-P	exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	exempt	Whether to impose consequences on Aspirity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-18-00016-P	exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00013-P	exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-19-00011-P	exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-20-19-00015-P	exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility
*PSC-31-19-00013-P	exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00015-P	exempt	Proposed major rate increase in KEDNY's gas delivery revenues by $236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00016-P	exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately $49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-19-00003-P	exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00006-P	exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00008-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-44-19-00009-P	exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-50-19-00004-P	exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
*PSC-52-19-00006-P	exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
*PSC-03-20-00009-P	exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
*PSC-04-20-00014-P	exempt	Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.	To protect the public interest.
*PSC-07-20-00008-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-08-20-00003-P	exempt	PSC regulation 16 NYCRR § § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-10-20-00003-P	exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
PSC-12-20-00008-P	exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
PSC-15-20-00011-P	exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-15-20-00013-P	exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-16-20-00004-P	exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
PSC-18-20-00012-P	exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
PSC-18-20-00015-P	exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
PSC-19-20-00004-P	exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
PSC-19-20-00005-P	exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
PSC-19-20-00009-P	exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
PSC-21-20-00008-P	exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-23-20-00008-P	exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
PSC-25-20-00009-P	exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-20-00010-P	exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00011-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-20-00012-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-25-20-00015-P	exempt	Staff whitepaper on a Data Access Framework.	To standardize the necessary privacy and cybersecurity requirements for access to energy-related data.
PSC-25-20-00016-P	exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-27-20-00003-P	exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-28-20-00022-P	exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-28-20-00034-P	exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
PSC-29-20-00011-P	exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of Opportunities for Broome, Inc for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-31-20-00004-P	exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00008-P	exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00010-P	exempt	Submetering of electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00004-P	exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00005-P	exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
PSC-37-20-00006-P	exempt	Con Edison's petition for a proposed Non-Pipeline Solutions portfolio and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-38-20-00004-P	exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-39-20-00015-P	exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-39-20-00021-P	exempt	Authority to issue to long-term debt.	To consider Corning's request for authority to issue long-term debt.
PSC-40-20-00003-P	exempt	NYSEG's petition for a proposed Non-Pipeline Alternatives portfolio of projects and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-40-20-00004-P	exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-20-00006-P	exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-41-20-00010-P	exempt	Disposition of a $50 million municipal tax refund	To consider a disposition of a municipal tax refund for customer and company benefit
PSC-41-20-00011-P	exempt	Major gas rate filing.	To consider a proposed increase in Corning's gas delivery revenues of approximately $6.3 million (23.4% in total revenues).
PSC-42-20-00006-P	exempt	Proposed major rate increase in National Grid's delivery revenues of approximately $41.8 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-20-00007-P	exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-42-20-00008-P	exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
PSC-42-20-00009-P	exempt	Proposed major rate increase in National Grid's delivery revenues of approximately $100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-20-00003-P	exempt	The use of $50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
PSC-44-20-00006-P	exempt	Transfer of property interests in the Union Falls Hydroelectric Facility.	To determine whether to authorize the transfer of the Union Falls Hydroelectric Facility and the proper accounting treatment.
PSC-44-20-00007-P	exempt	Establishment of the regulatory regime applicable to an approximately 90.5 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 90.5 MW electric generating facility.
PSC-44-20-00009-P	exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-45-20-00003-P	exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-45-20-00004-P	exempt	Major gas rate filing	To consider an increase in Central Hudson's gas delivery revenues
PSC-45-20-00005-P	exempt	Major electric rate filing	To consider an increase in Central Hudson's electric delivery revenues
PSC-45-20-00006-P	exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-20-00004-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-20-00005-P	exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
PSC-46-20-00006-P	exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage Systems 5 MW or less to the distribution system.
PSC-46-20-00007-P	exempt	Compliance of New York Transco LLC with the applicable portions of the Electric Safety Standards.	To consider the petition of New York Transco LLC for clarification of its responsibilities under the Electric Safety Standards.
PSC-46-20-00009-P	exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-47-20-00006-P	exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-20-00007-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-20-00008-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00004-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00005-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
PSC-48-20-00007-P	exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-48-20-00008-P	exempt	Proposed modifications to Rider T - Commercial Demand Response Program.	To consider revisions to Rider T - CDRP for the 2021 Capability Period.
PSC-48-20-00009-P	12/02/21	Siting of major transmission facilities in new or existing rights of way that qualify for expedited process.	To establish expedited requirements for the siting, construction and operation of major transmission facilities.
PSC-49-20-00007-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-49-20-00008-P	exempt	Amendments to modify provisions related to Emergency Electric Generators under General Information Section III (H).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-49-20-00009-P	exempt	Transfer of certain electric transmission facilities and easements.	To determine whether to authorize the proposed transfers and the proper accounting treatment.
PSC-49-20-00010-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-50-20-00004-P	exempt	Proposed transfer of the Company's assets to the Purchasers.	To determine if transfer of the water system to the Purchasers is in the public interest.
PSC-51-20-00006-P	exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00007-P	exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.
PSC-51-20-00008-P	exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 20.7%	To ensure adequate levels of Installed Capacity.
PSC-51-20-00009-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers.
PSC-51-20-00010-P	exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-51-20-00011-P	exempt	Lease of right-of-way and transfer of facilities.	To determine whether to authorize lease of right-of-way, and transfer of facilities and the proper accounting treatment.
PSC-51-20-00012-P	exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00013-P	exempt	Competitive solicitations to procure 350mw of energy storage systems directed by the Commission's 2018 Energy Storage Order.	To ensure compliance with Public Service Law Section 74 and achieve state goals to install energy storage systems.
PSC-51-20-00014-P	exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-52-20-00002-P	exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00003-P	exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-20-00004-P	exempt	Use of pipeline refund.	To consider how a pipeline refund of $2.26 million will be utilized by National Fuel.
PSC-52-20-00005-P	exempt	Clarification or reconsideration of a provision in a prior order.	To determine whether to clarify or reconsider a provision of a prior order regarding the implementation of Green Button Connect.
PSC-52-20-00006-P	exempt	Banked credit distribution rules and processes.	To ensure just and consistent banked credit distribution rules and processes.
PSC-52-20-00007-P	exempt	Negative performance factor adjustments applied to auto-dynamic load management and term-dynamic load management participants.	To improve multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-52-20-00008-P	exempt	Transfer of a natural gas pipeline and the associated certificate, and application of lightened and incidental regulation.	To determine whether the requested transfers and regulatory treatment are consistent with the law and the public interest.
PSC-52-20-00009-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-20-00010-P	exempt	Proposed filing regarding capacity surcharge for ESCO transportation customers.	To ensure safe and reliable service for customer at just and reasonable rates.
PSC-52-20-00011-P	exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00012-P	exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.
PSC-52-20-00013-P	exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-52-20-00014-P	exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-52-20-00015-P	exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.
PSC-52-20-00016-P	exempt	Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-52-20-00017-P	exempt	Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's proposed financing.	To review the proposed financing and consider whether it is within the public interest.
PSC-01-21-00004-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers.
PSC-01-21-00005-P	exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-01-21-00006-P	exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-01-21-00007-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-01-21-00008-P	exempt	The revision of certain delivery rates for electric service.	To ensure safe and reliable service for customers at just and reasonable rates.
PSC-02-21-00006-P	exempt	Disposition of a sales tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-03-21-00002-EP	exempt	Postponement of delivery rate, System Improvement Charge (SIC) and RAC/PTR surcharge with make whole starting on May 1, 2021.	To assist customers in a time of hardship by delaying a rate increase and SIC increase and RAC/PTR surcharge implementation.
PSC-03-21-00006-P	exempt	Comprehensive study to identify distribution and transmission investments in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the State's climate goals.
PSC-03-21-00007-P	exempt	Waiver of certain rules, i.e., 7-day installation requirements pertaining to cable television franchise.	To determine whether to waive any rules and regulations.
PSC-03-21-00008-P	exempt	Authorization to recover costs for three transmission projects and related mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-03-21-00009-P	exempt	The waiver of regulation and tariff provisions to allow for more time to recover the deposit for electric infrastructure.	Whether the extension of the deadline is in the public interest.
PSC-04-21-00011-P	exempt	Proposed tariff revisions for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00012-P	exempt	Proposed tariff revisions and clarifications for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-21-00013-P	exempt	Proposed tariff revisions for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00014-P	exempt	Proposed DLM Program and tariff revisions for the summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00015-P	exempt	Proposed tariff revisions for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00016-P	exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
PSC-04-21-00017-P	exempt	Funding and management of the the Clean Energy Fund portfolio.	To review NYSERDA's proposed modifications to the Clean Energy Fund portfolio and determine whether the changes are acceptable.
PSC-04-21-00018-P	exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-04-21-00019-P	exempt	Consideration of National Grid USA's New York electric and gas utilities' Implementation Plan and audit recommendations.	To ensure that recommendations issued in a comprehensive management audit are appropriately addressed and implemented.
PSC-04-21-00020-P	exempt	NFG's Implementation Plan and audit recommendations.	To consider to implement the management audit recommendations.
PSC-05-21-00004-P	exempt	Alternative proposal for net crediting billing.	To facilitate development of and participation in Community Distributed Generation projects.
PSC-05-21-00005-P	exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW electric generating facility.
PSC-05-21-00006-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00007-P	exempt	Petition to amend bill estimation procedures.	To consider the petition of Central Hudson Gas & Electric Corporation to amend its current bill estimation procedures.
PSC-05-21-00008-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00009-P	exempt	Proposed rate increase in annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-21-00012-P	exempt	The electric utilities' 2021 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2021 Electric Emergency Response Plans.
PSC-06-21-00008-P	exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-06-21-00009-P	exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-06-21-00010-P	exempt	Exemptions from utility standby rates for distributed energy resources and efficient combined heat and power projects.	To determine whether utility standby rate exemptions should be continued.
PSC-06-21-00011-P	exempt	Petiton to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-21-00005-P	exempt	Staff Whitepaper recommending modifications to the utility's energy affordability program.	To consider updates and enhancements to the utility's low-income energy affordability program.
PSC-07-21-00006-P	exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-07-21-00007-P	exempt	Conditioned pre-approval of stock transactions of regulated entities.	To consider allowing stock transactions within statutory parameters without Commission approval for individual transactions.
PSC-07-21-00008-P	exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To reduce unnecessary waste and disposal of hard copy directories.
PSC-07-21-00009-P	exempt	PSC regulations 16 NYCRR 86.3(a)(1); 86.3(a)(2); 86.4(b).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-07-21-00010-P	exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
PSC-07-21-00011-P	exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
PSC-08-21-00003-P	exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if National Grid should use a ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-08-21-00004-P	exempt	Proposed transfer of water supply assets.	To determine if transfer of all water supply assets is in the public interest.
PSC-08-21-00005-P	exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-08-21-00006-P	exempt	Transfer of street lighting facilities.	To determine whether to transfer street lighting facilities and the proper accounting for the transaction.
PSC-09-21-00002-P	exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
PSC-09-21-00003-P	exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00004-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-09-21-00005-P	exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00006-P	exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.
PSC-09-21-00007-P	exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00008-P	exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
STATE, DEPARTMENT OF			
DOS-48-20-00010-P	12/02/21	Procedures and requirements related to the filing of certificates by the Department of State's Division of Corporations	To clarify and update procedures related to the filing of certificates with the Division of Corporations
DOS-51-20-00004-P	12/23/21	Fair Housing Requirements for Appraisers and Assistant Appraisers	To Mandate Fair Housing Education as a Condition of Renewal
DOS-05-21-00013-P	02/03/22	Requirements and procedures related to filing, review and publication of financial reports filed with the Department of State	To provide procedures related to the filing, review and publication of financial reports filed with the Department of State
STATE UNIVERSITY OF NEW YORK			
*SUN-53-19-00005-P	04/29/21	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-29-20-00004-EP	07/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	07/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
SUN-05-21-00010-P	02/03/22	Proposed amendments to the traffic and parking regulations at State University of New York at Potsdam	Amend existing regulations to update traffic and parking regulations
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-39-20-00008-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-51-20-00002-EP	12/23/21	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-07-21-00001-EP	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-07-21-00002-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period April 1, 2021 through June 30, 2021
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-46-20-00002-P	11/18/21	Payment access cards	To update State regulations pertaining to payment access cards to align with Part V of Chapter 56 of the Laws of 2020
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-50-20-00005-P	exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	A proposal to raise additional revenue
WORKERS' COMPENSATION BOARD			
WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates
WCB-28-20-00003-EP	07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19
WCB-42-20-00004-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00005-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-48-20-00002-EP	12/02/21	Reimbursement for COVID-19 testing	To allow reimbursement for COVID-19 testing when benefits are sought due to workplace exposure to COVID-19
WCB-06-21-00013-P	02/10/22	Medical Treatment Guidelines	To update back, neck, shoulder, knee, and NAP MTGs

RULE REVIEW

Department of Civil Service

Pursuant to section 207 of the State Administrative Procedure Act (SAPA), notice is hereby provided that upon publication of the Five Year Review of Existing Regulations and the conclusion of the forty-five (45) day public comment period, no public comments were received regarding any of the subject rules. The rules referenced herein have functioned consistent with the purposes underlying their adoption and shall be continued without modification.

Rules Adopted in Calendar Year 2001

Amendment to Chapter I of Title 4 of NYCRR (Rules for the Classified Service)

Description of the Rule: The rule repealed prior sections 4.11 and 4.12 and added a new section 4.11.

The rule describes the rights and limitations of "contingent permanent" appointments to positions in the competitive, non-competitive and labor classes.

Amendments to Chapter II of Title 4 of NYCRR (Attendance Rules for Employees in New York State Departments and Institutions)

Description of the Rules: The rules amended sections 28-1.3(b), 28-2.1(c) and 28-3.7(a) and (c) upon the request of the Governor's Office of Employee Relations (GOER) to provide that qualified managerial/confidential employees may utilize up to 200 days of accrued sick leave credits to pay for health insurance premiums during retirement.

The amendments to sections 28-3.7(a) and (c) provide that the rules governing donations of leave credits for managerial/confidential employees shall be consistent with such leave donation policies granted represented employees through collective bargaining agreements.

Rules Adopted in Calendar Year 2006

Amendment to Chapter I of Title 4 of NYCRR (Rules for the Classified Service)

Description of the Rule: The rule revised section 4.5 to provide for probationary terms for positions of University Police Officer 1 and University Police Officer 1 (Spanish Language) of not less than 52 nor more than 78 weeks.

Amendment to Chapter V of the Title 4 of NYCRR (Regulations of the Department of Civil Service [President's regulations])

Description of the Rule: Public Officers Law Article 6 (Freedom of Information Law; "FOIL") requires subject agencies to adopt regulations regarding public access to records. In accordance with FOIL, the regulation specifies how requests shall be acknowledged and addresses when the Department is unable to grant or deny a request for records within the initial twenty-day period from when the request is received.

Rules Adopted in Calendar Year 2011

Amendment to Chapter V of the Title 4 of NYCRR (Regulations of the Department of Civil Service [President's regulations])

Description of the Rule: The rule amended section 72.1 to designate units for suspension, demotion or displacement for employees in the Agency Law Enforcement Services bargaining unit of the Department of Environmental Conservation.

Amendment to Chapter V of the Title 4 of NYCRR (Regulations of the Department of Civil Service [President's regulations])

Description of the Rule: This rule amended section 73.2(e) to clarify that the President of State Civil Service Commission, as head of the State Department of Civil Service, may disqualify a dependent of a covered employee or retiree who has secured or attempted to secure participation in the health insurance plan or benefits under the plan authorized by Civil Service Law Art. 11 personally or for another by fraud, deception or a false statement of a material fact, or who has accepted benefits personally or for another knowing s/he was not entitled thereto.

Rules Adopted During Calendar Year 2016

No current amendments to Title 4 of NYCRR were adopted during calendar year 2016.

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE
AC CONDENSING SYSTEM
Coxsackie Correctional Facility
Coxsackie, Greene County

Sealed bids for Project Nos. 45855-E and 45855-H, comprising separate contracts for Electrical Work, and HVAC Work, Provide AC Condensing System, Mess Hall, Building 4, Coxsackie Correctional Facility, 11260 State Route 9W, Coxsackie (Greene County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, March 10, 2021, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of $5,800 for E, and $24,600 for H).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $50,000 and $100,000 for E, and between $250,000 and $500,000 for H.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html

The substantial completion date for this project is 289 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over $5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is $1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

__X__Project commenced design before January 1, 2020. Not subject to provision.

_____Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an $8.00 deposit per set, plus a $2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Division of Criminal Justice Services
Commission on Forensic Science

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State Commission on Forensic Science to be held on:

Date: March 12, 2021
Time: 9:00 a.m. - 1:00 p.m.

Video Conference Only: The webcast information for this meeting will be posted on the Division of Criminal Justice website under the Newsroom, Open Meeting/Webcasts.

https://www.criminaljustice.ny.gov/pio/openmeetings.htm

PUBLIC NOTICE

Division of Criminal Justice Services
New York State Juvenile Justice Advisory Group Quarterly Meeting

Pursuant to Public Officer Law 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State Juvenile Justice Advisory Group.

Date: March 9, 2021
Time: 10:00 a.m. - 1:00 p.m.

Location: https://www.youtube.com/user/nyspublicsafety

For further information contact: Thomas R. Andriola, Chief of Policy & Implementation, Office of Youth Justice, Division of Criminal Justices Services, 80 South Swann St., 8th Fl., Albany, NY 12210 (518) 485-1833, email: Thomas.Andriola@dcjs.ny.gov

PUBLIC NOTICE

Deferred Compensation Board

Pursuant to the provisions of 9 NYCRR, Section 9003.2, authorized by Section 5 of the State Finance Law, the New York State Deferred Compensation Board, beginning Wednesday, March 3, 2021, is soliciting proposals from registered financial advisers for the provision of independent investment consulting services with respect to the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions, a plan meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto. A copy of the request for proposals may be obtained from the Board's web site: www.deferredcompboard.ny.gov or by contacting James Reeves, Associate Director, New York State Deferred Compensation Plan, 1450 Western Ave., Suite 103, Albany, NY 12203, e-mail: james.reeves@nysdcp.com. All proposals must be received no later than the close of business on April 16, 2021.

PUBLIC NOTICE

Department of State
F-2020-0969
Date of Issuance – March 3, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0969 the applicant, Goldsmiths Boat Shop, is proposing to install a 15' wide x 65' long 8″ thick boat ramp consisting of a 15' x 20' ramp poured in place and (45) pre-formed 3' x 5' x 8″ concrete blocks; stabilize 1,530 linear feet of shoreline with low sill bulkhead where every 6th sheath is lowered to approx. 3″ below MHW, backfilled with dredged spoils, covered with filter fabric, and planted with salt marsh and sea march cord grass; removal and replacement of the existing ramp and support pilings with a new pad sized for mobile negative lift forklift; and dredge approx. 81,500 sq.ft. area to an average depth of 4' below MLW, removing approx. 5,450 cubic yards of dredge spoils to be used as backfill in the areas landward of new bulkhead, with remainder spread over the property. This project is located at 64150 Main Road, Town of Southold, Suffolk County, Mill Creek/Shelter Island Sound.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0969.pdf

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Hashamomuck Pond Significant Coastal and Fish Wildlife Habitat: https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html

• Town of Southold Local Waterfront Revitalization Program: https://docs.dos.ny.gov/opd-lwrp/LWRP/Southold_T/Index.html

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 2, 2021.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2021-0049
Date of Issuance – March 3, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In 2021-0049, Edkins QOZB, LLC proposes the restoration of shoreline and littoral zone tidal wetlands to approximate historic extent of wetlands as per Order on Consent #R2-20131206-527. The project will create 83,627 SF littoral zone wetlands through excavation and removal of fill and debris placed at the site since the 1980s. Total removal of material below below existing MHHW is 3,419 CY.

Clean sand/sandy loam fill shall be placed to establish a stable slope. Approximately 305 CY of fill shall be placed seaward of proposed SHW.

Also included in the restoration is the construction of a 10-25 ft wide scour protection layer using 1500 CY of fill on the seaward portion of the project, a riprap revetment (1,200 CY) slope on the landward portion of the project, and installation of a 10-ft wide native buffer landward of the revetment.

2239-2319 Richmond Terrace, Staten Island, NY,10305

City of NY, Richmond County, Kill Van Kull

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0049ConsistCert.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 2, 2021.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2021-0072
Date of Issuance –March 3, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-0074, the Town of Clayton proposes to remove existing concrete/sheet piling bulkheads and replace with new at elevation of 250.00. Dredge approximately 130 CY for area for new 28' x 114' concrete ramp, ramp base stone and end of ramp rip-rap. Dredged material barged to the Town owned property located at Co Rte. 5 and NYS Rte 12. Install new precast concrete boat launch ramp adding 96 CY crushed stone under ramp; 9 CY for side fill and 21 CY 4-8 Rip Rap under toe of ramp to prevent washouts. An aluminum diamond transition plate to be installed for the three 8' x 20' & one 8' x 24' floating dock sections. Raise elevation of existing fixed concrete dock to elevation 249.00. Install approximately 60' x 18' concrete approach pad to new ramp.

Brown Road, Clayton, NY 13624

Town of Clayton, Jefferson County, St. Lawrence River

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0072ConsistencyCert.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or March 18, 2021.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2021-0082 (DA)
Date of Issuance – March 3, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The U.S. Merchant Marine Academy has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

The United States Merchant Marine Academy (USMMA) is proposing to rehabilitate marine infrastructure and provide resiliency measures to Crowninshield and Cressy Piers at their training facility at Kings Point, Nassau County, NY. The purpose of the project is to replace the outdated and deteriorating Crowninshield and Cressy Piers with updated and more resilient structures to facilitate safe and efficient future use for training of USMMA cadets. The project proposes the Reconstruction of two (2) existing, deteriorating timber pier structures with more resilient concrete and steel structures in the same general footprint as the existing. Replacement of the existing wavescreen beneath Crowinshield Pier. The construction of a wavescreen beneath recently reconstructed Mallory Pier and construction of pier structure over two existing gaps in Cressy Pier. The existing building on the Crowinshield Pier is to be removed.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0082(DA)CrowninshieldandCressy Piers.pdf

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or March 18, 2021.

Comments should be addressed to: Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2021-0083 (DA)
Date of Issuance – March 3, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The U.S. Merchant Marine Academy has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

The United States Merchant Marine Academy (USMMA) is proposing to provide resiliency measures to existing Mallory Pier at their training facility at Kings Point, Nassau County, NY. The Mallory Pier was replaced in 2012 and currently the USMMA seeks to provide the pier with storm surge and wave protection in the form of a sheet pile wave screen. The overall purpose and need are to avoid adverse impacts to USMMA infrastructure that is instrumental in training and graduating merchant marine officers and leaders to serve in US maritime and intermodal transportation industries or in the armed forces that defend and support homeland security interests of the United States. The project proposes the construction of a wave screen beneath Mallory Pier. The proposed wave screen will be constructed of sheet piles mounted to timber wales. The timber wales would be supported by concrete piles driven into the seabed along the entire length of the pier. The wavescreen would be constructed from barge mounted equipment adjacent to the Pier. The proposed activities remove the existing timber screen from the existing piles. The piles will remain, whaler spacing on the piles will be tighter, and sheet pile will be bolted on to create the new wavescreen.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0083(DA)MalloryWaveScreen.pdf

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or March 18, 2021.

Comments should be addressed to: Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0067 In the matter of Jonah Freedman Of True Renew Homes, P.O. Box 524, Ithaca, NY 14851, for a variance for diminutive code issues concerning the 103 Spring Lane, City of Ithaca, County of Tompkins, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0072 Matter of Sheila Bubka, 18 Tide Court, Wading River, NY 10980, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 18 Tide Court, Wading River, Town of Riverhead, NY 10980, County of Suffolk, State of New York.

2021-0073 Matter of Woodhull Expediting, Amy Devito, 1031 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at Three Martha Place, Port Jefferson Station, Town of Brookhaven, NY 11776, County of Suffolk, State of New York.

2021-0074 Matter of Valerie Dursi, 91 Jarvis Place, Lynbrook, NY 11563, for a variance concerning safety requirements, including the required ceiling height and the required height under a girder/soffit. Involved is an existing one-family dwelling located at 91 Jarvis Place, Lynbrook, Village of East Rockaway, NY 11563, County of Nassau, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0075 In the matter of John Puglia of Demosjohnny LLC, Eight Greenford Lane, Ithaca, NY 14850, for a variance for diminutive code issues concerning the 129 Blair Street, City of Ithaca, County of Tompkins, State of New York.

2021-0076 In the matter of John Puglia of Demosjohnny LLC, Eight Greenford Lane, Ithaca, NY 14850, for a variance for diminutive code issues concerning the 131 Blair Street, City of Ithaca, County of Tompkins, State of New York.

EXECUTIVE ORDERS

Executive Order No. 168.45: Continuing the Declaration of a Disaster Emergency in the Five Boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that Incorporate the MTA Region in the State of New York.

WHEREAS, pursuant to Executive Order No. 168, a disaster has heretofore been declared in the five boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that incorporate the Metropolitan Transportation Authority (MTA) Region in the State of New York due to increasingly constant and continuing failures of the tracks, signals, switches and other transportation infrastructure throughout the system including at Pennsylvania Station located in the County of New York (Penn Station), that have resulted in various subway derailments, extensive track outages, and substantial service disruptions impacting the health and safety of hundreds of thousands of riders;

WHEREAS, the ongoing failures of the tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to pose an imminent threat and have a vast and deleterious impact on the health, safety, and livelihood of commuters, tourists, resident New Yorkers, as well as business and commerce in the Metropolitan Commuter Transportation District (MCTD), which is the recognized economic engine of the State of New York, and thereby have adversely affected the New York State economy;

WHEREAS, the track outages and service disruption necessary to implement the Amtrak Repair Program, and other repairs necessary to fix tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to be necessary to protect the public, health and safety of commuters, tourists, resident New Yorkers, and will continue to worsen the transportation disaster emergency that currently exists due to the condition of Penn Station and the MTA's rail and subway system as a whole; and,

WHEREAS, it continues to be necessary for the MTA and its subsidiaries and affiliates to take significant and immediate action to assist in the repair of the tracks, signals, switches and other transportation infrastructure and in the mediation of such track outages and service disruptions due to this disaster emergency;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 168 and extend all of the terms, conditions, and directives of Executive Order No. 168 and the terms, conditions, and directives for any extensions of the same for the period from the date that the disaster emergency was declared pursuant to Executive Order No. 168 until February 28, 2021; provided that the temporary suspension of any laws, rules, regulations or guidelines pursuant to this and any future extensions of Executive Order 168 shall apply to the extent the Chairman of the MTA, or his designee, which shall only include the MTA's President or Managing Director, determines it necessary for the purposes of awarding any contracts, leases, licenses, permits or any other written agreement that may be entered into to mitigate such disaster emergency.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany the twenty-ninth of January in the year two thousand twenty-one.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 198.13: Continuing the Declaration of Disaster Emergency in the Counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.

WHEREAS, pursuant to Executive Order 198, a disaster was declared within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne due to extensive flooding, widespread erosion, and water damage that caused significant damage to homes and other residential structures, businesses, and public infrastructure;

WHEREAS, historic high water levels in Lake Ontario and the St. Lawrence River continue to be of concern as a cause of flooding, widespread erosion, and water damage, which continues to jeopardize infrastructure, coastline structures, natural barriers, and navigation; and

WHEREAS, the Resiliency and Economic Development Initiative Commission identified high-priority projects that were urgently needed, and continued to be needed to protect homes, businesses, and critical infrastructure; to sustainably maintain safe navigation channels; and to address the immediate and long-term resiliency of communities along Lake Ontario and the St. Lawrence River.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find that a disaster continues to exist for which affected state agencies and local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby continue the declaration of the State Disaster Emergency that became effective November 20, 2019, as set forth in Executive Order 198, within the territorial boundaries of the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne. The provisions set forth in Executive Order 198 and this Executive Order shall continue to remain in effect until June 4, 2021; and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the continued implementation of the State Comprehensive Emergency Management Plan and authorize, which was first made effective November 20, 2019, the State Office of Emergency Management, the Department of Health, the Department of Transportation, the Division of State Police, the Division of Military and Naval Affairs, the Department of Environmental Conservation, the Department of Corrections and Community Supervision, the Public Service Commission, the Office of Fire Prevention and Control, the Department of Labor, the Office of Parks, Recreation and Historic Preservation, the Office of General Services, the Thruway Authority, the Division of Homeland Security and Emergency Services, other State agencies as necessary, and the American Red Cross to take appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this continued disaster; and to provide such other assistance as necessary to protect the public health and safety.

IN ADDITION, this declaration satisfies the requirements of 49 C.F.R. 390.23(a)(1)(A), which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSR). Such relief from the FMCSR is necessary to hasten the movement of crews into New York State.

FURTHER, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder, or delay action necessary to address the disaster, hereby temporarily suspend, for the period from the date of this Executive Order through March 6, 2021, the following laws:

Section 38(1), (2) and (3) of the Highway Law, to the extent that the Commissioner of Transportation determines it necessary to authorize the award of emergency contracts and/or to combine design and construction services in contracts and to use such services when needed;

Section 9(2) and (4) of the Public Buildings Law, to the extent the Commissioner of General Services determines it necessary to authorize the award of emergency contracts and/or to combine design and construction services in contracts and/or to use such contracts and services when needed at a threshold above Six Hundred Thousand Dollars;

Section 97-G of the State Finance Law, to the extent that the Commissioner of General Services or the Commissioner of the Division of Homeland Security and Emergency Services determines it necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services, including but not limited to, building design and construction services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency;

Section 112 of the State Finance Law, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent that the Commissioner of Transportation, the Commissioner of General Services, or the Commissioner of the Division of Homeland Security and Emergency Services determines it necessary to add additional work, sites, and time to State contracts; to award emergency contracts or leases for relocation and support of State operations under Section 3 of the Public Buildings Law; to award emergency contracts under Section 9 of the Public Buildings Law; to award emergency contracts for professional services under Section 136-a of the State Finance Law; and to award emergency contracts for commodities, services, technology, and materials pursuant to Section 163 of the State Finance Law;

Section 136-a of the State Finance Law, to the extent that the Commissioner of Transportation or the Commissioner of General Services determines it necessary to combine design and construction services in one contract and/or to obtain design and construction inspection services;

Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent of allowing the Commissioner of Transportation, the Commissioner of General Services, or the Commissioner of the Division of Homeland Security and Emergency Services to purchase necessary commodities, services, technology, and materials without following the standard notice and procurement processes;

Article 8 of the Environmental Conservation Law, and Part 15 of Title 17 and Part 617 of Title 6 of the New York Code of Rules and Regulations, to the extent that the Commissioner of Transportation, the Commissioner of General Services, or the Commissioner of the Division of Homeland Security and Emergency Services determines that work is immediately necessary for the replacement, rehabilitation, or reconstruction of structures; and

Part F of Chapter 60 of the Laws of 2015, and Part RRR of Chapter 59 of the Laws of 2017, to the extent of allowing the Commissioner of Transportation or the Commissioner of General Services to award design-build and best value contracts without following the proscribed procurement process.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fourth day of February in the year two thousand twenty-one.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.91: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby continue the suspensions and modifications of law and any directives, unless superseded, modified or otherwise expired, made by Executive Order 202 and each successor Executive Order to 202, for thirty days until February 22, 2021, and do hereby temporarily issue the following directives:

- Local health departments and county governments receive allocation for and must prioritize essential workers in the 1b category. Hospitals receive allocations for and must prioritize healthcare workers. Pharmacies are to prioritize individuals that are 65+. NYSDOH approved general population mass vaccination sites are to prioritize 65+ and essential workers in the 1b category. We allocate dosages to these provider classes to represent the fair distribution. If a provider distributes to a group outside of their "prioritization" they will disrupt the fairness of the allocation.
- Providers, unless otherwise directed should not schedule appointments until they receive an allocation and no more appointments should be scheduled than the actual allocation allows.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-third day of January in the year two thousand twenty-one.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.92: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find that a

disaster continues to exist for which affected state agencies and local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby continue for thirty days the declaration of the State Disaster Emergency effective March 7, 2020, as set forth in Executive Order 202. This Executive order shall remain in effect through February 26, 2021.

IN ADDITION, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby continue the suspensions and modifications of law and any directives, unless superseded, modified or otherwise expired, made by Executive Order 202 and each successor Executive Order to 202, for thirty days until February 26, 2021, and do hereby temporarily suspend or modify the following from the date of this Executive Order through February 26, 2021:

- Nassau County Administrative Code § 5-17.0(1) to the extent necessary to extend the deadline to pay 2021 first half general taxes appearing on the Nassau County tax roll without interest or penalties from February 10, 2021 to March 12, 2021;
- The suspensions and modifications in Executive Order 202.24 and any extensions thereof, permitting licensed pharmacists to be designated as a qualified healthcare professional for the purpose of directing a limited service laboratory, pursuant to subdivision (3) of section 579 of the Public Health, are hereby modified only to the extent necessary to permit such pharmacist-directed limited service laboratories to also test for COVID-19 infection using a rapid test as part of the enhanced economic activity plan authorized by the Department of Health, provided that such test is FDA-approved and waived for use in a limited service laboratory;
- Executive Order 202.24, to the extent it modified section 6801 of the Education Law, to authorize licensed pharmacists to order COVID-19 tests that are approved by the Food and Drug Administration (FDA) to detect SARS-CoV-2 or its antibodies, and to administer COVID-19 tests, is hereby modified only insofar as to authorize licensed pharmacists to order tests for the detection of COVID-19, including by standing order, as part of the enhanced economic activity plan authorized by the Department of Health, provided that such test is FDA-approved and subject to certificate of waiver requirements pursuant to the federal clinical laboratory improvement act of nineteen hundred eighty-eight, and provided that such testing is performed by a limited service laboratory as part of such enhanced economic activity plan;
- The suspensions and modifications in Executive Order 202.32 and any extensions thereof, allowing clinical laboratories to accept and examine specimens for COVID-19 testing without a prescription or order from an authorized ordering source under certain circumstances, are hereby modified only to the extent necessary to permit a limited service laboratory, authorized to test for COVID-19 infection as part of the enhanced economic activity plan authorized by the Department of Health and pursuant to this executive order, to accept and examine specimens for COVID-19 rapid testing without a patient specific order or a prescription or order from an authorized ordering source; provided that, limited service laboratories shall make available to patients (including via an online registration) the guidance to be issued by the Department of Health related to rapid testing under this Executive Order. A limited service lab may utilize this Executive Order as the authorized ordering source in any laboratory reports and documentation associated with testing pursuant to the enhanced economic activity plan authorized by Department of Health guidance. Further, to ensure appropriate follow-up with patients who test positive for COVID-19 and to ensure appropriate isolation orders are issued if necessary, the limited service laboratory shall report any positive results within 24 hours to the Department of Health through the Electronic Clinical Laboratory Reporting System (ECLRS), and the local department of health;

IN ADDITION, by virtue of the authority vested in me by Section 925-a of the Real Property Tax Law to extend during a State disaster emergency the period for paying property taxes without interest or penalties upon request of the chief executive officer of an affected county, city, town, village or school district, I do hereby extend by twenty-one days the period for paying, without interest or penalty, property taxes that are due in the following localities that have requested such an extension: County of Saratoga;

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through February 26, 2021:

- The Commissioner of Health is authorized to direct COVID-19 testing for all staff or to modify or eliminate visitation or leave for residents at any state, local, or voluntary not-for-profit congregate facility supervised or licensed by the Office of Mental Health, the Office of Addiction Services and Supports, the Department of Corrections and Community Supervision, the Office for People with Developmental Disabilities, or the Department of Health on a regular schedule or in order to control an outbreak as necessary;

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-seventh day of January in the year two thousand twenty-one.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

Executive Order No. 209: Declaring a Disaster in the Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, and Contiguous Counties.

WHEREAS, on February 1, 2021, and continuing thereafter, a winter storm has impacted New York State, posing an imminent danger to vital public transportation, utility service, public health, and public safety systems within the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, and contiguous counties.

WHEREAS, this winter storm is anticipated to produce snowfall amounts of up to 24 inches, at a rate of up to three inches per hour, wind gusts as high as 60mph, and coastal flooding in low lying areas. These conditions are anticipated to cause widespread power outages and road closures, travel disruptions, and damage to public and private property throughout the impacted areas and will pose a threat to the public health and safety.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby find that a disaster is imminent for which the affected local governments are unable to respond adequately. Therefore, I hereby declare a State Disaster Emergency effective February 1, 2021, within the territorial boundaries of the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, and contiguous counties. This Executive Order shall be in effect through March 3, 2021; and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize all necessary agencies to take

appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health, welfare and safety.

IN ADDITION, this declaration satisfies the requirements of 49 C.F.R. 390.23(a)(l)(A), which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSR). Such relief from the FMCSR is necessary to ensure that crews can clear vital roadways and hasten the movement of utility power restoration crews into New York State.

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through March 3, 2021, the following laws:

- Section 97-G of the State Finance Law, to the extent necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency;
- Section 112 of the State Finance Law, to the extent consistent with Article V, Section I of the State Constitution, and to the extent necessary to add additional work, sites and time to State contracts;
- Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent of allowing the purchase of necessary commodities, services, technology and materials without following the standard notice and procurement processes.

FURTHER, I hereby temporarily modify, for the period from the date of this Executive Order through March 3, 2021, the following laws:

- Section 24 of the Executive Law; Sections 104 and 346 of the Highway Law; Sections 1602, 1630, 1640, 1650, and 1660 of the Vehicle and Traffic Law; Section 14(16) of the Transportation Law; Sections 6-602 and 17-1706 of the Village Law; Section 20(32) of the General City Law; Section 91 of Second Class Cities Law; Section 19-107(ii) of the New York City Administrative Code; and Section 107.1 of Title 21 of the New York Codes, Rules and Regulations, to the extent necessary to provide the Governor with the authority to regulate traffic and the movement of vehicles on roads, highways, and streets.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this first day of February in the year two thousand twenty-one.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

Executive Order No. 209.1: Declaring a Disaster in the Counties of Albany, Broome, Cayuga, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Fulton, Greene, Hamilton, Herkimer, Madison, Montgomery, Oneida, Onondaga, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Warren, Washington, Yates, and Contiguous Counties.

WHEREAS, pursuant to Executive Order Number 209, a disaster has heretofore been declared due to a winter storm affecting the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, and contiguous counties;

WHEREAS, this winter storm is expected cause additional widespread power outages and road closures, travel disruptions, and damage to public and private property throughout the impacted areas and will pose a threat to the public health and safety;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do herby amend Executive Order Number 209 to include Albany, Broome, Cayuga, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Fulton, Greene, Hamilton, Herkimer, Madison, Montgomery, Oneida, Onondaga, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Warren, Washington, Yates, and contiguous counties beginning on February l, 2021. This Executive Order shall be in effect through March 3, 2021

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this first day of February in the year two thousand twenty-one.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

FINANCIAL REPORTS



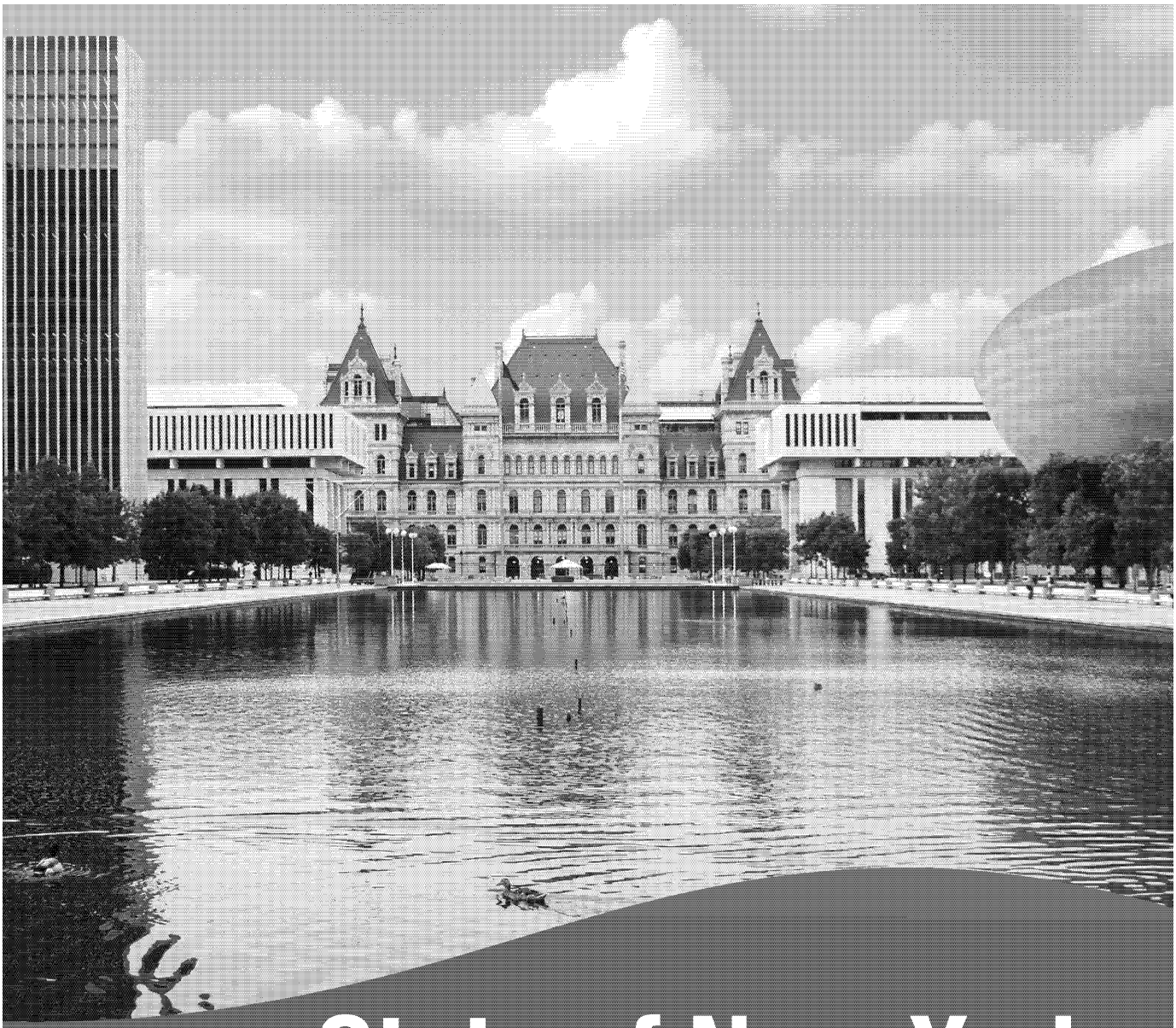
Department of Taxation and Finance

Depositories for the Funds of the State of New York

Month End: January 31, 2021

Prepared by the Division of the Treasury
Investments, Cash Management and Accounting Operations

Michael R Schmidt
Commissioner



State of New York

Interim Financial Report
Governmental Funds

For the nine months ended December 31, 2020

(Pursuant to Section 8(9a) of the State Finance Law)

New York State Comptroller
THOMAS P. DiNAPOLI

STATE OF NEW YORK
Combined Balance Sheet
Governmental Funds
December 31, 2020
(Amounts in thousands)(Unaudited)

	General	Federal Special Revenue	Special Revenue	Debt Service	Capital Projects	Eliminations	Total
ASSETS:							
Cash and investments	$ 19,175,059	$ 5,800,526	$ 6,548,926	$ 3,976,639	$ 4,540,473	$ -	$ 40,041,623
Receivables, net of allowances for uncollectibles:							
Taxes	7,434,180	-	380,350	7,661,413	35,683	-	15,511,626
Due from Federal government	-	7,662,249	-	3,701	419,044	-	8,084,994
Other	2,340,552	815,857	1,218,258	96,139	155,702	-	4,626,508
Due from other funds	4,751,883	124,134	71,440	176,911	498,840	(940,186)	4,683,022
Other assets	1,527,864	2,754	-	-	61,869	-	1,592,487
Total assets	$ 35,229,538	$ 14,405,520	$ 8,218,974	$ 11,914,803	$ 5,711,611	$ (940,186)	$ 74,540,260
LIABILITIES:							
Tax refunds payable	$ 5,692,680	$ -	$ 484,527	$ 4,502,388	$ 28,824	$ -	$ 10,708,419
Accounts payable	256,320	63,228	3,061	5	245,490	-	568,104
Accrued liabilities	3,079,826	2,427,919	18,308	28,316	84,744	-	5,639,113
Payable to local governments	14,850,831	4,237,894	2,150,530	457,717	129,440	-	21,826,412
Due to other funds	1,337,637	927,130	186,666	2,330,000	1,563,957	(940,186)	5,405,204
Pension contributions payable	336,867	-	-	-	-	-	336,867
Unearned revenues	80,431	6,364,647	-	1,831	-	-	6,446,909
Total liabilities	25,634,592	14,020,818	2,843,092	7,320,257	2,052,455	(940,186)	50,931,028
DEFERRED INFLOWS OF RESOURCES	734,944	350,940	330,914	291,329	28,684	-	1,736,811
FUND BALANCES:							
Restricted	-	33,762	880,992	506,174	1,199,206	-	2,620,134
Committed	1,911,446	-	2,284,039	3,797,043	9,840,058	-	17,832,586
Assigned	6,946,184	-	3,859,880	-	607,817	-	11,413,881
Unassigned	2,372	-	(1,979,943)	-	(8,016,609)	-	(9,994,180)
Total fund balances	8,860,002	33,762	5,044,968	4,303,217	3,630,472	-	21,872,421
Total liabilities, deferred inflows of resources and fund balances	$ 35,229,538	$ 14,405,520	$ 8,218,974	$ 11,914,803	$ 5,711,611	$ (940,186)	$ 74,540,260

See accompanying notes to the financial statements.

STATE OF NEW YORK
Combined Statement of Revenues, Expenditures and Changes in Fund Balances (Deficits)
Governmental Funds
For the Nine Months Ended December 31, 2020
(Amounts in thousands)(Unaudited)

	General		Federal Special Revenue		Special Revenue		Debt Service		Capital Projects		Eliminations	Total
	Quarter Ended December 31, 2020	9 mos. Ended December 31, 2020	Quarter Ended December 31, 2020	9 mos. Ended December 31, 2020	Quarter Ended December 31, 2020	9 mos. Ended December 31, 2020	Quarter Ended December 31, 2020	9 mos. Ended December 31, 2020	Quarter Ended December 31, 2020	9 mos. Ended December 31, 2020	9 mos. Ended December 31, 2020	9 mos. Ended December 31, 2020
REVENUES:												
Taxes	$ 11,627,810	$ 27,761,289	$ -	$ -	$ 1,665,202	$ 3,929,147	$ 9,946,236	$ 26,180,491	$ 316,447	$ 871,240	$ -	$ 58,742,167
Federal grants	(54)	7,298	19,348,291	57,897,725	-	-	147	17,475	387,437	1,318,420	-	59,240,918
Miscellaneous	21,282,604	55,847,736	13,921	82,373	1,776,621	4,598,095	137,021	365,455	596,826	760,733	(34,477,813)	27,176,579
Total revenues	32,910,360	83,616,323	19,362,212	57,980,098	3,441,823	8,527,242	10,083,404	26,563,421	1,300,710	2,950,393	(34,477,813)	145,159,664
EXPENDITURES:												
Local assistance grants	6,241,684	44,141,304	16,209,395	51,219,074	4,298,602	13,420,686	-	-	2,128,784	5,427,620	-	114,208,684
State operations	20,853,154	58,807,289	2,162,095	4,608,716	114,568	318,102	(359)	29,676	-	-	(34,477,813)	29,285,970
Debt service, including payments on financing arrangements	-	-	102,221	102,221	-	-	1,872,471	3,808,719	-	-	-	3,910,940
Capital construction	-	-	-	-	-	-	-	-	1,554,302	4,608,701	-	4,608,701
Total expenditures	27,094,838	102,948,593	18,473,711	55,930,011	4,413,170	13,738,788	1,872,112	3,838,395	3,683,086	10,036,321	(34,477,813)	152,014,295
Excess (deficiency) of revenues over expenditures	5,815,522	(19,332,270)	888,501	2,050,087	(971,347)	(5,211,546)	8,211,292	22,725,026	(2,382,376)	(7,085,928)	-	(6,854,631)
OTHER FINANCING SOURCES (USES):												
Transfers from other funds	7,395,014	22,490,463	-	-	1,008,603	3,062,551	514,403	1,551,811	1,034,612	2,570,916	(21,529,927)	8,145,814
Transfers to other funds	(2,588,640)	(6,618,729)	(885,805)	(2,017,188)	(24,075)	(56,026)	(7,334,852)	(22,478,692)	(150,294)	(533,049)	21,529,927	(10,173,757)
Financing arrangements issued	-	-	-	-	-	-	-	-	3,457,975	7,109,305	-	7,109,305
Refunding debt issued	-	-	-	-	-	-	549,385	813,840	-	-	-	813,840
Premiums on bonds issued	-	117,802	-	-	-	-	101,529	144,943	446,978	1,127,020	-	1,389,765
Revenue anticipation notes	-	4,382,200	-	-	-	-	-	-	-	-	-	4,382,200
Net other financing sources (uses)	4,806,374	20,371,736	(885,805)	(2,017,188)	984,528	3,006,525	(6,169,535)	(19,968,098)	4,789,271	10,274,192	-	11,667,167
Net change in fund balances	10,621,896	1,039,466	2,696	32,899	13,181	(2,205,021)	2,041,757	2,756,928	2,406,895	3,188,264	-	4,812,536
Fund balances (deficits) at beginning of period, as restated	(1,761,894)	7,820,536	31,066	863	5,031,787	7,249,989	2,261,460	1,546,289	1,223,577	442,208	-	17,059,885
Fund balances (deficits) at December 31, 2020	$ 8,860,002	$ 8,860,002	$ 33,762	$ 33,762	$ 5,044,968	$ 5,044,968	$ 4,303,217	$ 4,303,217	$ 3,630,472	$ 3,630,472	$ -	$ 21,872,421

See accompanying notes to financial statements.

STATE OF NEW YORK
Notes to Financial Statements
December 31, 2020 (Unaudited)

NOTE 1
The accounting policies and methods of estimating and accumulating financial data for preparation of the December 31, 2020 interim financial statements for governmental fund types are similar to those used to prepare the March 31, 2020 governmental fund financial statements.

The implementation of GASB Statement 84, Fiduciary Activities, has been initiated in the interim financial statements for the fiscal year ending March 31, 2021.

NOTE 2
Within the governmental funds, transfers to other funds exceeded transfers from other funds by $2,028 million. Subsidies to the State University of New York and the Senior Colleges of the City University of New York totaling $4,627 million are reported as transfers to other funds offset by $2,599 million in Enterprise Funds subsidies which are reported as transfers from other funds.

NOTE 3
The following table presents a reconciliation of the budgetary cash basis operating results for the nine months ended December 31, 2020 as reported in the State Register, with the operating results for Governmental Fund Types prepared in accordance with generally accepted accounting principles (amounts in thousands):

	General	Federal Special Revenue	Special Revenue	Debt Service	Capital Projects
Excess (deficiency) of receipts and other financing sources over (under) disbursements and other financing uses	$ 7,608,200	$ 4,863,900	$ (397,400)	$ 3,410,400	$ (159,800)
Entity differences:					
Receipts and other financing sources over (under) disbursements and other financing uses for funds and accounts not included in the cash basis financial plan	614,951	(1,379,263)	(148,332)	(712,257)	3,673,198
Perspective differences:					
Receipts and other financing sources over (under) disbursements and other financing uses of the Miscellaneous Special Revenue Account, Infrastructure Trust Account, Child Performer's Protection Account and Charter Schools Stimulus Account, which are treated as Special Revenue Funds in the financial plan and as part of the General Fund for GAAP reporting	360,550	-	(360,550)	-	-
Fiduciary Funds	(849,016)	-	(2,504)	-	-
College and University Funds	-	-	(339,117)	-	76,765
Lottery Fund	-	-	1,258,576	-	-
Temporary interfund cash loans	234,521	(302,109)	25,174	-	42,414
Basis of accounting differences:					
To adjust for revenue accruals	(2,573,016)	(6,001,678)	(255,161)	386,961	(626,962)
To adjust for expenditure accruals	(4,356,724)	2,852,049	(1,985,707)	(328,176)	182,649
Net change in fund balances	**$ 1,039,466**	**$ 32,899**	**$ (2,205,021)**	**$ 2,756,928**	**$ 3,188,264**

STATE OF NEW YORK
Notes to Financial Statements
December 31, 2020 (Unaudited) (cont'd)

NOTE 4

During the nine months ended December 31, 2020, there were six debt refunding issues. The impact of these issues is presented in the following table (amounts in thousands):

Issue Description	Refunding Amount	Refunded Amount	Cash Flow Gain (Loss)	Present Value Gain (Loss)
NYS Dormitory Authority PIT General Purpose Bond Series 2020A	$ 79,660	$ 84,278	$ 8,718	$ 8,100
NYS Dormitory Authority PIT General Purpose Bond Series 2020B	14,100	7,510	692	1,359
Urban Development Corporation PIT General Purpose Bond Series 2020C	229,795	264,020	52,429	47,163
Urban Development Corporation PIT General Purpose Bond Series 2020D	34,660	33,390	(3,909)	523
Urban Development Corporation PIT General Purpose Bond Series 2020E	392,900	470,450	121,104	104,201
Urban Development Corporation PIT General Purpose Bond Series 2020F	62,725	72,745	(20,587)	(5,321)
Total	**$ 813,840**	**$ 932,393**	**$ 158,447**	**$ 156,025**

NOTE 5

On March 11, 2020, the World Health Organization officially declared Coronavirus (COVID-19), the disease caused by the novel coronavirus, a pandemic. The impact of the pandemic which had begun to be seen in late March 2020, is likely to affect various parts of fiscal year 2021 operations and financial performance. In response to the COVID-19 pandemic, the United States Congress passed, and the President signed, a variety of legislation (including but not limited to the Coronavirus Aid, Relief, and Economic Security Act, or "CARES Act") that provides certain relief to partially mitigate the economic impact of the pandemic. The relief provided under the CARES Act has been and is expected to be distributed through the Coronavirus Relief Fund (CRF). The outbreak of COVID-19 has affected travel, commerce and financial markets globally, and is widely expected to affect economic growth worldwide. The degree of any such impact to the State's operations and finances (and those of its municipalities and major public authorities), is extremely difficult to predict due to the dynamic nature of the COVID-19 outbreak, including uncertainties relating to its duration and severity, as well as with regard to what actions may be taken by governmental and other health care authorities to contain or mitigate its impact. While the overall impact on the State cannot be predicted at this time, the continued spread of the outbreak could have a material adverse effect on the State, its economy and the Financial Plan.

The Division of the Budget (DOB) expects a reduction in State tax revenues in the range of $10 to $15 billion in the 2020-21 fiscal year, with recurring shortfalls in subsequent years. Accordingly, effective April 28, 2020, DOB ordered spending controls including a hiring freeze, elimination of non-essential nonpersonal service spending, and deferral on discretionary local aid grants.

In April, the State received $5.1 billion in allocation from the Federal government under the CRF. Federal provisions and original guidance for the CRF indicated that its funds were limited to expenditures made between March 1, 2020 and December 30, 2020, but was extended on December 27, 2020 to include qualifying expenditures through December 30, 2021. Eligible jurisdictions need to return any funds to the Federal government that do not meet eligibility requirements. The State has charged eligible costs incurred prior to receipt of the funding to the CRF during the 2020-21 fiscal year and will continue to do so in to the 2021-22 fiscal year. Further allocation of funds may be received based on allocation methods and criteria that are not yet known, however any receipt of any additional monies under the CARES Act is uncertain and is not guaranteed.

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